



February 6, 2012

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

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

Dear Secretary Brilling:

By letter of December 14, 2011, you advised New York State Electric & Gas Corporation (NYSEG) of deficiencies in its Article VII Application for the above-referenced project. One deficiency was, "... no relief is included for the section of main between the outlet of the 8" ball valve at the connection to Inergy to NYSEG's regulators at the Yawger Road Station," as required by 16 NYCRR §255.195(a). NYSEG's explanation of why that section of the pipeline was adequately protected was contained in Appendix A, Response to Deficiency 2, of my letter to you dated December 27, 2011. Please be advised that despite that response, NYSEG will install the relief device on the main at the inlet to the Yawger Road M&R station.

In addition, NYSEG's Application filed in the subject case on November 30, 2011 contained, in Tables 2-1, 2-2 and 2-3, requests that the Commission refuse to apply certain local laws because, as applied to NYSEG's proposed project, they are unreasonably restrictive. NYSEG wishes to reduce the number of its waiver requests. Tables 2-1 and 2-2 are deleted, and NYSEG hereby submits the following revised parts of the Application:

- Revised Table 2-3
- Revised Page 4 – List of Exhibits and Tables
- Revised Page 23
- Revised List of Potentially Applicable Laws

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

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

Very truly yours,

Yvette LaBombard, P.E.
Manager - Gas Engineering

Enclosures

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

**New York State Electric & Gas Corporation Application to
Construct a Fuel Gas Transmission Line Under Article VII,
Section 121-a of The Public Service Law**

**Seneca West Pipeline Interconnect
Towns of Big Flats and Horseheads, and Village of Horseheads
Chemung County, New York**

Certificate of Service

Pursuant to Section 85-1.3(c), I hereby certify that New York State Electric & Gas Corporation (NYSEG) has, this day served a copy of the letter dated February 6, 2012 from New York State Electric & Gas to Hon. Jaclyn A. Brillling, Secretary to the Commission, New York State Public Service Commission by mailing service by first class mail, postage prepaid, upon the parties at the following addresses:

Certificate of Service - continued

<p>Historic Preservation Office Office of Parks, Recreation and Historic Preservation</p>	<p>John Bonafide Historic Preservation Services Coordinator Office of Parks, Recreation & Historic Preservation New York State Historic Preservation Office Peebles Island Resource Center P.O. Box 189 Waterford, NY 12188-0189</p>
<p>New York State Office of Botany</p>	<p>New York State Office of Botany New York State Museum Cultural Education Center - Room 3023 Albany, NY 12230</p>
<p>U.S. Department of the Interior's Fish and Wildlife Service</p>	<p>U.S. Dept. of the Interior's Fish and Wildlife Service 3817 Luker Road Cortland, NY 13045</p>
<p>New York State Senate</p>	<p>The Honorable Thomas F. O'Mara New York State Senate 333 East Water Street, Suite 301 Elmira, NY 14902</p>
<p>New York State Assembly</p>	<p>The Honorable Christopher S. Friend, Ph.D. New York State Assembly 333 East Water Street, Suite 301 Elmira, NY 14902</p>


CHEMUNG COUNTY

<p>Chemung County Executive</p>	<p>Mr. Thomas J. Santulli, County Executive Chemung County P.O. Box 588 Elmira, NY 14902-0588</p>
<p>Chairman, Chemung County Legislature</p>	<p>Mr. Cornelius J. Milliken, Chairman Chemung County Legislature P.O. Box 588 Elmira, NY 14902-0588</p>
<p>Commissioner, Chemung County Public Works Department</p>	<p>Mr. Andrew P. Avery, P.E., Commissioner Chemung County Public Works Dept. P.O. Box 588 Elmira, NY 14902-0588</p>
<p>Director, Chemung County Fire and Emergency Management</p>	<p>Mr. Michael S. Smith, Director Chemung County Fire and Emergency Mgmt. P.O. Box 588 Elmira, NY 14902-0588</p>

Certificate of Service - continued

PUBLIC REVIEW LOCATIONS
NYSEG One Electric Parkway Horseheads, NY
Horseheads Free Library 405 S. Main Street Horseheads, NY
Big Flats Library 78 Canal Street Big Flats, NY
West Elmira Library 1231 W. Water Street Elmira, NY

Dated: February 6, 2012


Yvette LaBombard, P.E.
Manager - Gas Engineering

construction or operation of an Article VII transmission facility for which a certificate has been issued by the Public Service Commission (PSC). However, PSL Section 126(f) requires the PSC to apply the applicable state or local laws and regulations relating to the siting of the transmission facilities, except that the PSC may refuse to apply any local law or requirement that as applied to the proposed facilities is deemed to be unreasonably restrictive in view of existing technology, factors of cost or economics, or the needs of consumers. Therefore, to the extent that any standard or requirement under any applicable local law or regulation prevents or unduly restricts the construction or siting of the proposed project facilities, NYSEG requests a waiver pursuant to PSL Section 126(f) of such requirements or prohibitions.

The towns' and village's zoning codes and laws were reviewed with regard to their potential impact on the proposed project. Table 2-3 below provides a listing of local codes and laws for which waivers are requested. Ordinances that require an application for, or provide requirements to obtain, a Building Permit, Certificate of Occupancy, Operating Permit, Certificate of Compliance for Flood Plain Design, site plan approval, preliminary plan approval, or Zoning Permit are not listed in these tables because Section 130 of the Public Service Law bars municipalities from requiring consents or permits for the construction of an Article VII certified facility. Similarly, applicant has not requested waivers from ordinances that would allow a municipal Code Enforcement Officer to issue a stop work order based on violations of a municipal permit, since municipalities are barred from requiring such permits for an Article VII facility and applicant will not apply for such permits.

List of Potentially Applicable Laws

Town of Big Flats:

Zoning Law, § 17.36.260, Noise (p.131)

Village of Horseheads:

Zoning, § 163, Noise (p.2, 5, 6)

Zoning, §245-76, 78, and 79 Planned Unit Development

Zoning, §245-91 through 94, Lot Requirements (p.53-54)

Zoning, §245-107, Landscaping (p. 59)

Zoning, §245-111, Essential Services (p.63)