

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

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## PUBLIC SERVICE COMMISSION

**GARRY A. BROWN**

*Chairman*

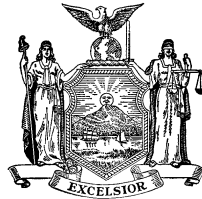
**PATRICIA L. ACAMPORA**

**MAUREEN F. HARRIS**

**JAMES L. LAROCCA**

**GREGG C. SAYRE**

*Commissioners*



**PETER McGOWAN**

*General Counsel*

**JEFFREY C. COHEN**

*Acting Secretary*

January 25, 2013

Honorable Howard T. Phillips, Jr.  
Supervisor  
Town of Haverstraw  
One Rosman Road  
Garnerville, NY 10923

Re: Case 10-T-0139 - Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

Dear Supervisor Phillips:

Thank you for your letter seeking a 60-day extension of the dates for parties' exceptions to the recommended decision (RD) in this proceeding. The stated purpose of the extension would be to allow a further opportunity for the Town of Haverstraw and its residents to respond to the RD.

Your request is denied for the reasons stated in my January 16th letter ruling, which is enclosed. As I stated in that ruling, the schedule for exceptions to the judges' RD applies only to parties; public comments will be accepted throughout the pendency of this proceeding.

Thank you for your continued interest in this proceeding. Your letter has been placed in the public file, and is now part of the formal record upon which the Commission will decide to grant, modify, or reject the Champlain Hudson Power Express proposal.

Sincerely,

/s/

Jeffrey C. Cohen  
Acting Secretary

Enc.

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*General Counsel*

JEFFREY C. COHEN  
*Acting Secretary*

January 16, 2013

Wellington & Rebecca Casscles  
69 Beach Road  
Stony Point, NY 10980

Laurie Cozza  
205 Wayne Ave  
Stony Point, NY 10980

Susan Filgueras  
87 Molt Farm Rd  
Tomkins Cove, NY 10986

Re: Case 10-T-0139, Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law and the Request from the "Just Say No! to the Champlain Hudson Power Express" Committee.

Dear Committee Members:

Thank you for your letter regarding the above referenced proceeding on behalf of the "Just Say No! to the Champlain Hudson Power Express" Committee dated January 15 seeking a 60-day extension of the dates for parties' exceptions to the recommended decision. The stated purpose of the extension would be to allow a further opportunity for Just Say No! members to approach parties, in hopes that some party filing exceptions will take up their concerns.

Please be advised that a great deal of effort by the parties and the Department of Public Service staff have gone into providing a full, thorough, public review of this application since it was filed in 2010. I see no reason to believe that an extension of the filing date for briefs on exceptions would improve the quality of the record at this time.

As you know, the due date for filing exceptions is January 17, 2013. This request is unusual because Just Say No! is not a party in this proceeding, and the schedule for exceptions to the judges' recommended decision applies only to parties in the proceeding. In addition, your

request came only two days before exceptions are due, and provides no valid explanation why the request could not have been made earlier. Further, as discussed below, the Secretary has previously explained that public comments will be accepted throughout the pendency of this proceeding.

This application has been pending since 2010. By letter dated November 2, 2010, Applicants filed a notice of intent to enter into settlement negotiations, stating that settlement discussions were scheduled to begin on November 9, 2010. Following approximately 16 months of intensive, detailed negotiations among the parties, the Applicant and a majority of the parties filed a Joint Proposal on February 24, 2012.

Parties supporting the Joint Proposal, other than Applicant, include seven state agencies, the Cities of New York and Yonkers, the Palisades Interstate Park Commission, Riverkeeper, Inc.; Scenic Hudson, Inc., the N.Y.S. Council of Trout Unlimited, and Vermont Electric Power Company, Inc. The parties filed statements in support of, or opposition to, the Joint Proposal on March 16, 2012 and reply statements on March 30, 2012. Beginning in November 2010, if not earlier, Just Say No! could have consulted with parties, if it wished to do so. At least since March 16, if not February 24, Just Say No! had available to it the parties' positions and knowledge of parties with which it might align.

After the application was filed, five public statement hearings were held in the Fall of 2010. After the Joint Proposal was filed, six additional public statement hearings were scheduled in areas of the State where the proposed project route was revised, including an April 12, 2012 public statement hearing at the Haverstraw Town Hall, Garnerville, New York. The public notice for these hearings did not indicate a deadline for submitting public comments, but instead indicated that public comments were "requested" by April 27, 2012. Immediately after the Haverstraw hearing, the Town of Haverstraw Supervisor requested additional time for public comment, as did several other Rockland County supervisors, mayors, and the Rockland County legislature. In response, in May 2012, the Secretary issued a notice indicating that there is no firm deadline for public comments and that comments would be accepted throughout the pendency of the proceeding. However, the notice also indicated that comments were requested by June 29<sup>th</sup>, so that the judges could review the comments before the July evidentiary hearings, and have the parties address any significant issues identified in the comments during the hearing.

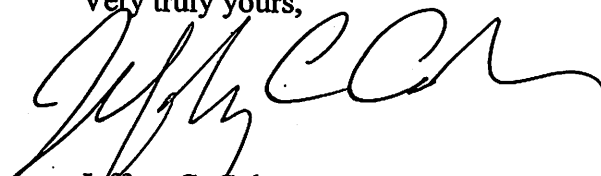
Following the filing of the Joint Proposal, the parties engaged in intensive discovery and motion practice, leading up to the three days of evidentiary hearings that were held in July 2012. Following those hearings, on August 22, 2012, the parties filed closing briefs (and on September 7<sup>th</sup>, reply briefs). Again, Just Say No! could have consulted with parties at that time, if it wished to do so.

Moreover, members of your committee have, in fact, filed public comments in this proceeding. On April 29 and June 28, 2012, Ms. Filgueras filed public comments on behalf of SPACE, Stony Point Action Committee for the Environment, and on September 21, 2012, Ms. Cozza filed a public comment in this proceeding. In addition, Ms. Filgueras appeared and provided a public comment at the April 12, 2012 public statement hearing at the Haverstraw Town Hall.

On December 12, 2012, Senator Maziarz, in his capacity as Chair of the N.Y.S. Senate Standing Committee on Energy and Telecommunications, filed a transcript of an October 23, 2012 public hearing that he convened in Stony Point, "To Determine And Analyze The Champlain-Hudson Power Express And Its Impact On The Residents Of The Town Of Stony Point." Just Say No! committee members Ms. Filgueras, Ms. Cozza, and Mr. and Mrs. Casscles participated in this October 23, 2012 hearing. All public documents filed in this proceeding, including the public comments of Ms. Filgueras and Ms. Cozza, transcripts of all hearings in this proceeding, and the Maziarz transcript are available on the Department's website, as this case has developed.

In view of these circumstances, the request for extension of the exceptions filing dates is denied.

Very truly yours,



Jeffrey C. Cohen  
Acting Secretary

cc: Honorable Geoffrey Finn  
Supervisor  
Town of Stony Point  
Stony Point, New York 10980

Honorable James Skoufis  
New York State Assembly  
534 Legislative Office Building  
Albany, NY 12248

Honorable William J. Larkin, Jr.  
188 State Street, Room 502  
Senate Capitol Building  
Albany, NY 12247