

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 17-F-0617 - Application of Hecate Energy Albany 1 LLC and Hecate Energy Albany 2 LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Coeymans Solar Farm Project in the Town of Coeymans, Albany County.

RULING AUTHORIZING COMMENCEMENT OF STIPULATIONS PROCESS

(Issued July 3, 2018)

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Examiners

INTRODUCTION

At a pre-application procedural conference held on June 26, 2018, at the Ravena Coeymans Selkirk Community Library 93 Main Street, Ravena, New York, we authorized initiation of the pre-application stipulations process and directed certain other actions designed to notify the community of the Coeymans Solar Farm project (the Project). This ruling confirms our oral rulings at the procedural conference and clarifies and supplements those rulings as a result of a June 29, 2018 conference call.

BACKGROUND

On October 13, 2017, Hecate Energy Albany 1 LLC and Hecate Energy Albany 2 LLC (collectively, Hecate Energy), filed a Public Involvement Program plan in connection with a proposal to construct a 40-megawatt photovoltaic solar electric generating facility on approximately 428 acres of private agricultural land in the Town of Coeymans, Albany County, New York.

On April 17, 2018, Hecate Energy filed a Preliminary Scoping Statement (PSS) for the Project. As proposed, the

Project will consist of an array of ground-mounted photovoltaic solar panels with a total capacity of 40 megawatts. The Project is expected to include access roads, inverters, fencing, an electrical substation and facilities to interconnect with the electric grid. The points of interconnection are proposed to be at the existing National Grid 115 kilovolt transmission lines that cross the southern portion of the Project site.¹

On May 3, 2018, Hecate Energy published a notice of the PSS in the Albany Times Union and the Ravena News Herald pursuant to 16 NYCRR § 1000.7(a). The notice indicated that comments on the PSS would be accepted until June 15, 2018.² Four separate sets of comments were submitted on the PSS by the Departments of Public Service (DPS), Environmental Conservation (DEC), and Agriculture and Markets, and by the environmental organization, Scenic Hudson Land Trust.

Pursuant to Public Service Law (PSL) § 163(4), Hecate Energy established a pre-application intervenor fund totaling \$14,000. A Notice of Availability of Pre-Application Intervenor Funds was issued on May 16, 2018. The Notice directed eligible municipal and local parties intending to participate in the pre-application phase of this proceeding to submit their requests for pre-application intervenor funding by June 15, 2018. No requests for intervenor funding were submitted by the June 15 deadline.

¹ The PSS and other information about the Project are available to the public on the Department of Public Service web site, Document and Matter Management system under Case Number 17-F-0617.

² Hecate Energy also mailed the notice of the PSS to the Master Stakeholder List, which is attached to the PSS as Appendix B and includes state agencies, municipalities, non-governmental organizations, area companies, adjacent landowners and local residents.

On June 26, 2018, a procedural conference was held at which numerous representatives of the applicant were present, along with staff from DPS and DEC. No members of the public attended the conference. We asked Hecate Energy about the public outreach efforts undertaken in the community. Hecate Energy detailed some of those efforts.³ We discussed the requirement to serve notice of the commencement of the stipulations process (Stipulations Notice) on potentially affected members of the community.

On June 29, 2018, at the applicant's request, we conducted a conference call to discuss and clarify the requirement to serve the Stipulations Notice, as discussed at the procedural conference.

DISCUSSION

Initiation of the Stipulations Process

At the June 26 conference, we orally ruled that Hecate Energy is authorized to commence the stipulations consultations process as provided under 16 NYCRR § 1000.5(j). Hecate Energy may seek to reach agreement with any interested person, agency or municipality regarding any aspect of the PSS and the methodology or scope of any study or program of studies undertaken and submitted in support of its Article 10 application.

The stipulations consultation process is subject to the notice and confidentiality requirements of 16 NYCRR § 3.9. Hecate Energy is required to update the Master Stakeholder List to include (1) any landowners sharing a border with the property on which the Project is proposed to be located, (2) any person

³ See PSS, Appendix A Meeting Log.

or entity that Hecate determines may have an interest in the Project because of the Project's potential visual impacts, (3) any person or entity expressing an interest in the Project to Hecate Energy; (4) correct contact information for all municipal officials.

Hecate Energy must file the Stipulations Notice and serve it on all persons or entities listed on Master Stakeholder list as well as on the party list. Service of the Stipulations Notice on the updated Master Stakeholder List shall be by electronic mail if email addresses are available, or by United States Postal Service mail. Hecate Energy is required to file an affidavit of service of the Stipulations Notice within seven days of service.

Contents of the Stipulations Notice

The Stipulations Notice must include a general description of the issues to be discussed during the stipulations consultations process, including those outlined in the PSS. The Notice also shall state that further information about the Project is available on the applicant's website or on the DPS website at <http://www.dps.ny.gov> under the Generation Siting/Hecate Energy Albany link.

The Stipulations Notice also must state that the presiding examiners are providing another opportunity for persons or entities to apply for pre-application intervenor funding by submitting a completed application form available at the website for the Board on Electric Generation Siting and the Environment (Siting Board):

<http://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/0729A9B325D6EB9585257E200054A999?OpenDocument>. The Notice should indicate that applications for intervenor funding must be filed with the

Secretary of the Siting Board and submitted to the presiding examiners by no later than **August 15, 2018**.

The Notice must indicate in **bold 14-point font** that future notices regarding the stipulations process and any other aspect of the Project will be served only on (1) persons or entities that have notified Hecate Energy of an intent to participate in the stipulations process,⁴ and (2) persons or entities listed on the party list for this proceeding. The Notice shall also state that persons or entities wishing to be added to the party list may complete and file the form "Notice of Intent to be a Party in an Article 10 Proceeding," or may submit a party request on the DPS Document and Matter system website for Case 17-F-0617 and using the "Request Party Status" tab.

(SIGNED)

MAUREEN F. LEARY

(SIGNED)

ANTHONY M. BELSITO

(SIGNED)

DANIEL P. O'CONNELL

⁴ The Notice should indicate a contact name and email address or other method of notifying Hecate Energy.