

STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Case 12-T-0248 - Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need for Construction of the Columbia County Transmission Project, Approximately 11.1 Miles of 115 Kilovolt Transmission Lines and related facilities in the Towns of Chatham, Ghent and Stockport, in Columbia County

Comments of Benjamin Swett
on Reply of New York State Electric & Gas Corporation
To Counter-Motion of the New York State Department of Environmental Conservation

On August 13, 2012, I received by e-mail from the Public Service Commission (PSC) a copy of a memorandum submitted by John D. Draghi esq. representing the New York State Electric and Gas Corporation (NYSEG), replying to a counter-motion by the New York State Department of Environmental Conservation (DEC). Below for the record are my comments, as the owner of land across which the proposed power line would run, on Mr. Draghi's memorandum:

- 1) Mr. Draghi suggests that NYSEG should not have to show the locations of access roads to the proposed right-of-way until the "final design stages," but since the viability of the right-of-way is itself dependent on the existence or creation of such access roads, neither the general public nor the Public Service Commission can understand or make a decision on the proposed right-of-way without knowing the proposed routes of the access roads. In other words, Mr. Draghi is proposing putting the cart before the horse.
- 2) If the DEC asks for a stormwater prevention plan (especially in light of last Saturday's horrendous downpours), why would the PSC not concur in requiring one? Is it possible that Mr. Draghi could even question such a requirement that is so clearly in the interest of local residents and the environment?
- 3) Does it matter when the DEC makes its comments as long as they are useful and responsible comments protecting landowners and the environment alike?
- 4) In terms of noise, it seems that Mr. Draghi is saying, in effect, that NYSEG refuses to go to the effort to provide a baseline for noise comparisons. I'm sure that local landowners would readily provide access for creating such baselines, as the baselines would be in place to protect themselves. By refusing to go to the trouble to provide these baselines, NYSEG is saving money and time at the direct expense of Ghent residents who live nearby the proposed right of way and would be directly affected by noise.

5) I don't understand Mr. Draghi's reference to something called the EM and CP phase in relation to showing the location of potential clearing as I don't know what an EM and CP phase is. It reminds me though that because NYSEG has proposed a right-of-way that is longer than necessary to meet its needs and those of the town, local residents are now dependent on rulings by the statewide Public Service Commission rather than by elected representatives in its own town. It is of some concern to me that the more abstract procedures and language of a statewide commission could make important issues harder for local residents to understand. Mr. Draghi's consistent references to unknown procedures and schedules of the PSC for reviewing the proposal could impede the raising of very real issues soon enough for those directly affected by the proposed right-of-way to have a chance to comment. It seems to me, for example, in relation to so-called "vegetative clearing," that showing precise clearing information is precisely what is wanted, as showing only vague clearing information would be unhelpful. Why would local landowners not comply with requests to compile information that could be helpful in their understanding of the effects of the proposed right-of-way? And why would NYSEG not want to make every effort to compile this information?

6) NYSEG wants to conduct invasive species testing once the route is "certified." But shouldn't the PSC's decision on whether to certify a route take into account invasive species information? By opening up a wide corridor through forest that, by my observation, contains many native old-growth trees, NYSEG will be creating perfect conditions for the spread of invasive species such as honeysuckle and porcelainberry while cutting down 200-year-old hickories, oaks, and other species that are the ecological backbone of the area (I would be glad to point these old trees out and would hope the DEC would consider coring some to determine their ages.)

7) Am I to infer from the last paragraph of Mr. Draghi's statement that the corridor for the proposed power line would be 1200 feet wide? I had thought it would be 300 feet wide.

Respectfully submitted,

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