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July 23, 2012

Via E-Mail

Hon. Eleanor Stein
Department of Public Service
Three Empire State Plaza, 3rd floor
Albany, New York 12223

RE: Case 12-T-0248 – Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need for the 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.

Dear Judge Stein:

As indicated in the Notice Inviting Comments on Waiver Motion (issued on June 19, 2012) in this proceeding, New York State Electric & Gas Corporation (NYSEG) seeks a waiver of 16 NYCRR §§ 86.3(a)(1) and (a)(2), 86.3 (b)(1)(iii), 86.4(b), and 88.4(a)(4). This letter constitutes the response of the Staff of the Department of Public Service (DPS Staff) designated to represent the public interest in this proceeding to NYSEG's motion.¹

According to 16 NYCRR §86.3(a)(1)(i), the Applicant must provide New York State Department of Transportation (NYSDOT) Topographic Edition Mapping showing the proposed right-of-way (ROW) (with control points indicated), covering an area of at least five miles on either side of the proposed facility location. NYSEG requests that the Commission allow it to provide United State Geological Survey (USGS) 7.5 Minute Topographic Quadrangles in place of the NYSDOT maps that are no longer available. DPS Staff agrees that the waiver request

¹ As required by 16 NYCRR §4.3(d), please be advised that the DPS Staff members designated to serve as trial staff in this proceeding are: Jerry Ancona, Steven Blow, Craig Bury, Andrew Davis, Hebert Joseph, and Ashley Moreno

should be granted because such maps are no longer available. As a substitute, the Applicant should consider using the USGS 2010 edition topographic quadrangles based on orthophotography rather than the traditional topographic quadrangles, which are dated 1980 for the project area coverage.

The requirement of 16 NYCRR §86.3(a)(1)(ii) is that the Applicant provide mapping showing where the construction or reconstruction of the proposed facility would necessitate permanent clearing or other changes to the topography, vegetation or man-made structures. NYSEG contends that the aerial photography provided in the application documents effectively presents the required information. DPS Staff agrees that the waiver request should be granted. As specified in 16 NYCRR §86.3(a)(1)(iii), the Applicant is required to provide maps showing the location of sensitive archeological sites. For the reasons given in the Applicant's waiver motion, DPS Staff concurs that the waiver request should be granted.

According to 16 NYCRR §86.3(a)(2), the Applicant must provide NYSDOT 1:250,000 scale mapping. NYSEG states that such mapping appears not to be available and asserts that Figure 2-2 in the application documents, which is based on USGS 1:250,000 scale topographic maps presented at a scale of 1:250,000 (1 inch equals approximately 4 miles), effectively shows the proposed facilities in conjunction with other components of the existing systems of the Applicant and others, and that it provides the information required by 16 NYCRR §86.3(a)(2)(i)-(iv). DPS Staff concurs that the waiver request should be granted in view of the figure provided.

As mandated in 16 NYCRR §86.3(b)(1)(iii), the Applicant must provide aerial photographs with overlays showing the location of access and maintenance routes. DPS Staff opposes the waiver request in part. DPS Staff agrees that access for the cross-country portions of the facility will be designed to take into account additional site-specific details that will be developed during the certification proceeding; however, the facility is proposed to share ROW with existing electric transmission facilities owned by the Applicant for a distance of nearly 3.5 miles, and there is no reason that NYSEG cannot show locations of existing access roads to or along that existing ROW. Furthermore, the Applicant has requested waivers of municipal road design standards for the permanent access necessary for construction and operation of the proposed Ghent Switching station. The relevant locations should be designated on revised figures to advance review of the application. Likewise, mapping showing existing access on the National Grid ROW to the proposed tap point for the Ghent Switching station should be provided.

The requirement of 16 NYCRR §86.4(b) is that the Applicant indicate, on NYSDOT maps, any alternative route considered. NYSEG requests a waiver of the requirement for use of NYSDOT maps that are no longer available, stating that Figure 3-3 in the application documents effectively shows the alternative routes for proposed Circuit #726 and the alternative locations for the proposed Ghent Switching Station on Aerial photography. DPS Staff agrees that this waiver request should be granted, given that the Secretary's deficiency letter (dated June 22, 2012) required Figure 3-3 to label facility routing Alternates 1 through 4 and the preferred and alternative switchyard sites.

Finally, 16 NYCRR §88.4(a)(4) requires the Applicant to provide appropriate system studies, showing expected flows on the line under normal, peak and emergency conditions. DPS Staff does not oppose this waiver request for the reason given in the Applicant's waiver motion, but asks that NYSEG be required to provide documentation and correspondence with the New York Independent System Operator in regard to this matter.

Respectfully submitted,

/s/

Steven Blow
Assistant Counsel

cc: Secretary Brilling
All Parties