

# Young / Sommer LLC

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July 31, 2017

## Via Electronic Filing

Hon. Kathleen H. Burgess  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3  
Albany, NY 12223

Re: Case No. 16-F-0267: Application of Atlantic Wind LLC, for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Deer River Wind Farm Project

Dear Secretary Burgess:

Atlantic Wind LLC ("Atlantic Wind" or "Applicant") filed a Preliminary Scoping Statement ("PSS") for the Deer River Wind Farm Project in accordance with Public Service Law § 163 and § 1000.5 of the Siting Board's rules (16 NYCRR 1000.5) on May 15, 2017. Comments to the PSS were filed and, on July 7, 2017, Atlantic Wind filed a summary of material PSS comments and its responses thereto, as required by the regulations. On July 12, 2017, a pre-application conference was held in order to consider intervenor funding requests and to initiate the stipulations process.

By this letter, pursuant to PSL §163(5) and §1000.5(j) of the Siting Board's rules, Atlantic Wind hereby gives notice that it intends to confer with those agencies and entities interested in negotiating agreement on the scope and methodology of studies and details regarding the Facility to be included in the Application, and potentially reach agreement to be memorialized in stipulations. Below is a summary of the next steps and instructions for interested agencies or groups to indicate their intention to participate in negotiation of stipulations.

Atlantic Wind requests that any agency/entity seeking to participate in the stipulations process notify the undersigned by emailing Kayleigh Robinson at [krobinson@youngsommer.com](mailto:krobinson@youngsommer.com) by August 11, 2017 indicating their intent to participate, and identifying Article 10 exhibits (as set forth in the Article 10 regulations 16 NYCRR 1001.1 *et. seq.*) or topic areas for which the agency/entity is interested. Again, the purpose of these discussions are to identify areas where the parties may agree on the scope of studies or details to be included.

Stipulations are intended to reflect agreements between the Applicant and any of the parties regarding any aspect of the PSS and the methodology or scope of any study or program of studies made or to be made in support of and included with the Article 10 Application. Stipulations contribute to the Article 10 process by ensuring that the Application submitted is complete, and aid the parties in conserving resources by narrowing the potential issues to be litigated during the hearing phase of the Article 10 process. Substantive arguments or disagreements on scope will be addressed later in the proceeding.

Procedurally, much of the stipulations negotiation process will take place electronically, to minimize the costs to participants associated with travel to different areas of the State. The process will commence with Atlantic Wind circulating a confidential draft of proposed stipulations in Microsoft Word and pdf format by email to those agencies/entities which have notified the Applicant that they wish to participate in the stipulations process ("Stipulations Participants"). The initial draft stipulations will be based, in part, on the comments received from the Stipulations Participants and public on the PSS. If the Stipulations Participants have comments on the draft stipulations circulated, the Applicant will request that they be emailed to the stipulations participants in tracked change Microsoft Word format by a date to be provided with the draft stipulations.

Following receipt of the Stipulations Participants' comments, the Applicant anticipates revising stipulations and arranging to discuss comments and revisions with any of the Stipulations Participants as needed to finalize agreement on the stipulations. Atlantic Wind will then circulate subsequent draft stipulations for the Stipulations Participants to review. If necessary or desirable, Atlantic Wind will set up in-person meetings and/or teleconferences to discuss specific issues with the Stipulations Participants.

Following agreement on stipulations, Atlantic Wind will submit the proposed stipulations for public comment, as required by 16 NYCRR 1000.5(j). Execution of stipulations would follow the public comment period. We anticipate the public comment period to be 30 days. Pursuant to 16 NYCRR § 1000.5(j)(2)(iii), the public comment period will be established by the Hearing Examiners.

If any of the recipients of this letter have comments, questions or concerns with the schedule or process for stipulations outlined above, please provide those comments along with the notice of intention to participate in the stipulations process.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Muscato II". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

James A. Muscato II, Esq.  
Laura K. Bomyea, Esq.

CC: Electronic Mail to Party List (copy of Party List as of July 31, 2017 appended hereto)

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**- Matter Master: 16-00970/16-F-0267**

<b>Matter Number:</b>	16-00970	<b>Case Number:</b>	16-F-0267
<b>Industry Affected:</b>	Facility Gen.	<b>Company/Organization:</b>	Atlantic Wind LLC
<b>Matter Type:</b>	Petition	<b>Matter Subtype:</b>	Certificate of Environmental Compatibility and Public Need
<b>Title of Matter/Case:</b>	Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need <a href="#">Expand</a>		<b>Related Matter/Case No:</b>

Filed Documents  
(72)

Public Comments  
(3)

Party List (11)

Calendar (1)

Sr.No.	Name of Person/Title /Company »	Representing Company	Mailing Address	Email/Phone/Fax	Consent to Party to Party Electronic Service »
1	Ash, Heath		8009 River Rd Copenhagen, NY 13626	<a href="mailto:ashboys98@gmail.com">ashboys98@gmail.com</a> Ph: 315-955-9258	Yes
2	Bernat, Stephen Supervisor	Town of Harrisburg	3620 Obrien Road Lowville, NY 13367	<a href="mailto:sbernat@ridgeviewtel.us">sbernat@ridgeviewtel.us</a>	Yes
3	Binder, Jonathan Associate Attorney New York State Department of Environmental Conservation	New York State Department of Environmental Conservation	625 Broadway - 14th Floor Albany, NY 12233	<a href="mailto:Jonathan.Binder@dec.ny.gov">Jonathan.Binder@dec.ny.gov</a> Ph: (518) 402-9188 Fax: (518) 402-9018	Yes
4	Bomyea, Laura Attorney Young Sommer LLC	Young Sommer LLC	5 Palisades Drive, Suite 300 Albany, NY 12205	<a href="mailto:lbomyea@youngsommer.com">lbomyea@youngsommer.com</a> Ph: 518-438-9907 Fax: 518-438-9914	Yes
5	Davis, Mark Lippes Mathias Wexler Friedman LLP		50 Fountain Plaza, Suite 1700 Buffalo, NY 14202	<a href="mailto:mdavis@lppes.com">mdavis@lppes.com</a> Ph: 716-853-5100 Fax: 716-853-5199	Yes
6	Muscato, James Partner Young/Sommer LLC	Young / Sommer LLC	5 Palisades Drive, Suite 300 Albany, NY 12205	<a href="mailto:jmuscato@youngsommer.com">jmuscato@youngsommer.com</a> Ph: 518-438-9907	Yes
7	Schell, Randall Supervisor Town of Lowville		5533 Bostwick St Lowville, NY 13367	<a href="mailto:Rschell@centralny.twcbc.com">Rschell@centralny.twcbc.com</a> Ph: 315-376-8070 Fax: 315-375-3099	Yes
8	Thomas, Richard Assistant Counsel NYS Department of Health	New York State Department of Health	Corning Tower, Empire State Plaza Albany, NY 12237	<a href="mailto:richard.thomas1@health.ny.gov">richard.thomas1@health.ny.gov</a>	Yes
9	Wells, Tara Senior Attorney NYS Dept. of Agriculture & Markets	New York State Department of Agriculture and Markets	10B Airline Drive Albany, NY 12235	<a href="mailto:Tara.Wells@agriculture.ny.gov">Tara.Wells@agriculture.ny.gov</a> Ph: 518-487-6084	Yes

10	Wilkinson, Lisa Administrative Law Judge New York State Department of Environmental Conservation	New York State Department of Environmental Conservation	625 Broadway, 1st Floor Albany, NY 12233-1550	<a href="mailto:Lisa.Wilkinson@dec.ny.gov">Lisa.Wilkinson@dec.ny.gov</a> Ph: (518) 402-9004	Yes
11	Wisniewski, Benjamin Associate Attorney Lippes Mathias Wexler Friedman LLP	Lippes Mathias Wexler Friedman LLP	50 Fountain Plaza, Suite 1700 Buffalo, NY 14202-2216	<a href="mailto:bwisniewski@lppes.com">bwisniewski@lppes.com</a> Ph: 716-853-5100	Yes

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