

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X
Proceeding on Motion to Examine Alternating
Current Transmission Upgrades Case 13-E-0488
Case 12-T-0502

-----X
Application of North American Transmission
Corporation and North American Transmission
LLC for a Certificate of Environmental
Compatibility and Public Need Pursuant to
Article VII of the Public Service Law for an Case 13-T-0454
Alternating Current Transmission Upgrade
Project Consisting of an Edic to Fraser 345kV
Transmission Line and a New Scotland to Leeds
to Pleasant Valley 345 kV Transmission Line

-----X
Application of NextEra Energy Transmission
New York Pursuant to Article VII for Authority Case 13-T-0455
to Construct and Operate Electric Transmission
Line from Marcy to Pleasant Valley

-----X
Application of New York Transmission Owners
Pursuant to Article VII for Authority to Construct Case 13-M-0457
and Operate Electric Transmission Facilities in
Multiple Counties in New York State

-----X
Application of Boundless Energy NE, LLC for a
Certificate of Environmental Compatibility and Case 13-T-0461
Public Need Pursuant to Article VII for Leeds
Path West Project.

FIRST PETITION FOR INTERVENOR FUNDING ON BEHALF OF
THE TOWN OF CLAVERACK

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February 13, 2015

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INTRODUCTION

Pursuant to 16 NYCRR § 85-2.4 and the Notice of Availability of Intervenor
Funding (Issued January 12, 2015), the Town of Claverack (“Claverack”) submits its
First Petition for Intervenor Funding. The need for further intervenor funds is to enable

Claverack to participate in these proceedings that have benefited from a recent Commission Order Establishing Modified Procedures for Comparative Evaluation (Issued and Effective December 16, 2014) (“Procedural Order”). The Procedural Order acknowledged that some parties have questioned “the need for a transmission solution to the identified congestion.”

The Commission responds to those concerns by expanding the process to address the issue of basis of the need before proceeding to a full Article VII review. Included in the approved process are requirements that Trial Staff prepare a report addressing the question and present its findings in a technical conference open to all the parties so that there can be a full airing and discussion among the stakeholders of the basis of the need for transmission facilities and the viability of potential alternatives.

Procedural Order at 2-3. In addition, the Procedural Order lays out a schedule leading to a Technical Conference in mid-June.

Claverack wishes to be of service to the Commission in these proceedings and will fulfill the Commission’s expectation “to cooperate and assist Trial Staff in the creation of a record on these issues for the Commission’s consideration.”¹

The main dates and activities insofar as they impact intervenors are as follows:

- March 30, 2015 -- Deadline for Parties to Submit Written Comments on the Part A Submittals (due January 20, 2015 and remainder on March 2, 2015)
- April 15, 2015 -- Deadline for Reply Comments
- June 10, 2015 -- Deadline for DPS Trial Staff Report and Motion
- June 17 – 18, 2015 -- Technical Conference²

¹ Id. at 32.

² It should be noted that on January 26, 2015, twelve members of HVSEC submitted a Petition for Clarification and Request for Extension of the Schedule that would have the Technical Conference held during the week of July 6, 2015.

July 15, 2015 -- Deadline for Responses to DPS Trial Staff Report
and Motion

July 30, 2015 -- Deadline for Replies

SCOPE OF WORK

Claverack, along with many other members of HVSEC,³ proposes to present expert testimony and exhibits on the following subjects:

1. The forecast of electric demand and usage in the downstate area pert
2. A comprehensive presentation of all known demand side, conservation and efficiency programs being carried out by NYSERDA, Indicated Transmission Owners, the City of New York, the State of New York and other stakeholders along with a realistic assessment of the impact of these programs on demand and usage that will be reflected in the forecast using a best case, expected case and worst case scenario analysis.
3. An economic analysis of the projects in the NYISO queue that are likely to be built.
4. A realistic assessment of proposed generation and transmission projects in the NYISO queue as of May 31, 2015 or later if the schedule so permits.

³ Those members are: Town of Clinton, Clinton Concerned Citizens, Pleasant Valley Concerned Citizens, Dutchess Land Conservancy, Columbia Land Conservancy Farmers and Families for Claverack, Town of Claverack, Farmers & Families for Livingston, Town of Livingston, and Town of Milan

5. A comprehensive assessment of the visual impact analyses to be used in Part B, as well as a preliminary visual assessment of the comparative AC Transmission Projects.
6. A comprehensive assessment of the historic and cultural resource impacts by each of the proposed projects.
7. A verification of the NYISO power flow, thermal and voltage modeling outputs to ensure that such models are being objectively utilized and that the results are reasonable and replicable from a forecast to actual basis.
8. Impact of the proposed projects on real estate values from the owner's perspective and the impact on the Town's property tax collection.

Scenic Hudson will be filing a request for intervenor funding to provide for the consultants who will be presenting the foregoing information for the record.

This first Petition on behalf of Claverack is primarily for Legal and Management Services to coordinate the scope of work and ensure timely delivery of the work products and comments in accordance with the schedule set forth in the Procedural Order, as well as a modest amount for three postal service mailings to Claverack residents and businesses.

The following parts of this Petition will follow the requirements of 16 NYCRR § 85-2.4 as presented in the Request for Intervenor Funds form in the AC Transmission Upgrades Proceeding.

(1) Describe the persons, organizations, or municipalities who are requesting funds, or who will be represented by the party requesting funds, and explain the interests of those persons, organizations, or municipalities that may be affected by the electric transmission facilities proposed in this proceeding.

The Town of Claverack, incorporated in 1788, sits in the middle of picturesque Columbia County, with easy access to Albany, Boston and New York City. There are just over 6,000 residents spread out over almost 50 square miles of the Town, which makes it the second most populated township in the County. Included in the township of Claverack is the Village of Philmont, which has its own municipal structure and was incorporated in 1892. Residents are proud of their rural, academic and industrial history and cherish the small town and rural atmosphere that is fundamental to our community. Over the past few years, the town has seen a resurgence of farms and agricultural-related businesses, which has resulted in a renewed interest in protecting the farmland throughout the town.

The Town currently has two transmission power corridors, one entering from the North near Stottville and continuing south through the Town to the Churchtown Switching Station (substation). The second corridor enters the Town from the West, near Fingar Rd, and continues as well to the Churchtown substation. The two corridors combine into one larger corridor south of the Churchtown substation, continuing south into the Town of Livingston. Some initial applications state an intent to keep the project within these existing corridors, while others state additional land would need to be taken adjacent to the corridors. Even those applicants whose proposal is to stay in the right-of-way have proposed to defoliate approximately 35' of forested area currently at the edge of the ROW. It has also been proposed by applicants that the Churchtown substation be rebuilt and expanded. In all applications that affect the Town of Claverack, there is either a component where additional land must be taken, or the tower height is increased.

The Claverack Town Board is the municipality requesting the intervenor funds. In response to feedback and concern received from residents, the Town Board has been active in the comment period on the proposed power line. In December 2013, the Town Board passed a resolution opposing expansion of the existing power line outside the existing corridor or right-of-way (ROW). In particular, the Town Board is concerned about the negative impact an expanded power line would have on resident's property values, regional tourism, impact on businesses, historic properties and agricultural concerns, and overall health and safety of its residents. Following that resolution, the Board participated in a community meeting on January 25, 2014 in which nearly 300 individuals attended to be briefed on the project. Since that time, the Town Board has received regular updates on the status of the process and also attended another community meeting on October 18, 2014, in which a Bard College environmental science and physics research professor presented new information concerning local power needs in downstate New York.

There are 3,234 parcels of real property located in the Town. 86 of these parcels are located on the existing corridor and will be directly affected by the proposed routes of multiple applicants.

(2) Provide a statement on the availability of funds from a) the resources of the requesting or party and b) sources other than the requesting party. Include a statement regarding the efforts that have been made to obtain funds from other sources:

Claverack is a relatively small town with a small population. The requirement by the state to stay within a 2% cap on taxes is an on-going challenge that we have met every year. However, we have no contingency budget or funds available for the hiring of experts and/or consultants to review this project on behalf of the Town or to perform the

investigatory and fact-finding work the Town sees necessary to adequately represent its residents. Claverack is working closely with Farmers & Families for Claverack and other members of HVSEC in order to help organize and share information, but the Town does not have any outside funding sources for this effort.

(3) If a party requesting funds is the owner or occupant of real property along the route of the proposed facility, or any alternate route specified by the Applicant, describe the location of the property.

The Town of Claverack's Highway Garage is adjacent to the Churchtown substation on Orchard Road. In addition, the pump house for the Town's hamlet water district is located on Webb Road, very close to where the existing power lines cross Webb Road.

(4) State the amount of funds being sought:

Daniel P. Duthie, Esq.	Legal and Management (1/7)	\$ 23,600
Claverack	USPS Mailings (3)	<u>\$ 9,000</u>
	Total	\$ 32,600

(5a) If expert witnesses, consultants, attorneys, or others are to be employed, provide to the extent possible, the name and qualifications of each person to be employed:

Claverack has engaged the services of Daniel P. Duthie, Esq. who has extensive experience representing clients before the Commission. Mr. Duthie's CV has been provided in the Petition for Intervenor Funding submitted by the Town of Milan on November 27, 2013 and is hereby incorporated by reference as is the engagement letter which is identical in form.

(5b) If expert witnesses, consultants, attorneys, or others are to be employed and it is not possible to provide the name of each person to be employed, provide for each person that cannot be named a statement of the necessary professional qualifications for the person:

Not applicable.

(6) Provide, if known, the name of any other interested person or entity that may, or is intending to, employ any such expert witnesses, consultants, attorneys, or others:

It is Claverack's intention to share all costs requested under this Petition with Farmers & Families for Livingston, Farmers & Families for Claverack, the Town of Milan, Walnut Grove Farm, LLC, The Town of Livingston and the Town of Pleasant Valley.

(7) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed statement of the services to be provided, fees requested (hourly, wage rate, and expenses) and how such services will contribute to a complete record:

The hourly fees and expenses are set forth in Appendix A and summarized here: Daniel P. Duthie, Esq. will provide legal services and assist in leading the drafting of comments and working with the consultants and Scenic Hudson to provide pre-filed testimony.

Claverack plans on three mailings as follows:

- a. To alert its members and community residents to the new updated Part A filings and to encourage the submission of Comments.
- b. To alert residents to the June Technical Conference and to encourage attendance.
- c. To remind residents to file comments after the Technical Conference.

(9) Provide a statement regarding any effort made to encourage the applicant to perform any proposed studies or evaluations and the reason it is believed that an independent study is necessary:

There have been numerous meetings with the applicants. Claverack has been

working closely with the Farmers & Families for Claverack and other members of HVSEC and has requested that the proposed structures if a project is found to be needed be constructed either underground or wholly within the height, width and length of the existing footprint in accordance with the Governor's expressed policy preference in his 2014 State of the State speech. Claverack will continue to engage with the developers on ways to mitigate impacts.

(10) Provide a statement of any additional justification for the funding request not already addressed above:

These high voltage AC transmission line proposals have had, in just the proposal stage, great impact on the residents and businesses of Claverack. The buying and selling of residences along the ROW have virtually come to a halt. Those properties that are forced to sell are going below market value. No one will expand or further develop their properties. Property owners are petitioning for reduced assessments. The rate impact or revenue requirement of a potential investment in transmission infrastructure, such as the Transco proposal, with its \$1.7 billion price tag (including the TOTS projects) far exceeds the last reported congestion cost of \$250 million, by \$90 million a year. Claverack proposes to develop the record to show that additional AC transmission is not needed and that there current projects in the NYISO queue are more than sufficient even if Indian Point is forced to retire.

Respectfully submitted,

Daniel P. Duthie

Daniel P. Duthie
Special Counsel to the Town of
Claverack

February 13, 2015

APPENDIX A

Case 13-E-0488 – AC Transmission Upgrades - Comparative Proceeding

Legal and Management Services Budget

		Low	No. of hours Expected	High
1	Review January 20, 2015 Part A submissions	30	40	50
2	Review March 3, 2015 Additional Part A Submissions	20	30	40
3	Prepare Comments for March 30, 2015 Deadline	40	50	60
4	Review Parties Initial Comments	10	15	20
5	Prepare Reply Comments	20	30	40
6	Develop Initial Scope of Work for Consultants with Scenic Hudson	15	20	25
7	Perpare RFP and Negotiate Contracts with Consultants with Scenic Hudson	15	20	25
8	Meet with Consultants to Finalize Scope of Work with Scenic Hudson	10	15	20
9	Review Consultants' Reports	15	20	25
10	Assist in Drafting Direct Testimony for Consultants	30	40	50
11	Review DPS Staff Report and Motion	10	15	20
12	Prepare for Technical Conference	10	15	20
13	Attend Technical Conference (including travel)	10	15	20
14	Prepare Initial Response to Staff Report and Motion	20	30	40
15	Prepare Replies to Initial Responses	15	20	25
16	Attend meetings and conference calls of HVSEC	30	40	50
17	E-mails and conference calls among clients	15	20	25
	Subtotal	315	435	555
18	Management 20%	63	87	111
	Continency 15%	47.25	65.25	83.25
	Total	425.25	587.25	749.25
	Hourly Rate	\$275		
	Estimated Cost	\$116,944	\$161,494	\$206,043.75
	Request for Intervenor Funding		\$165,000	
	Divided equally among			
	Town of Claverack			
	Town of Livingston			
	Town of Milan			
	Town of Pleasant Valley			
	Farmers & Families for Claverack			
	Farmers & Families for Livingston			
	Walnut Grove Farm, LLC			
			\$23,600.00	each