



**Board on Electric
Generation Siting
and the Environment**

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April 25, 2018

Via E-mail

Sam Laniado, Esq.
Read and Laniado, LLP
25 Eagle Street
Albany, NY 12207-1901
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Re: 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 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Coeymans, Albany County.

Dear Mr. Laniado:

This is to inform you that the Preliminary Scoping Statement (PSS) filed by Hecate Energy Albany, which was filed on April 18, 2018 in the above referenced proceeding, is not in compliance with Public Service Law (PSL) § 163(2) and the implementing regulations, 16 NYCRR §§ 1000.5(d) and 1000.7(a). Specifically, notice of the PSS was not given “to all persons residing in each municipality” in which any portion of the facility is proposed to be located because it was not published “in local community and general circulation newspapers, as will serve substantially to inform the public of such preliminary scoping statement.” 16 NYCRR § 1000.5(d). This project is located in the Town of Coeymans, Albany County, and is also near the Village of Ravena. Notice of the PSS was not filed in the newspaper of largest circulation in Albany County. 16 NYCRR § 1000.7(a). Notice of the PSS was not published in any Albany County newspaper.

The proof of publication submitted with the PSS identifies two newspapers in which notice of the PSS was published: The Hudson Register Star (Columbia County; circulation 4,600-4,800) and the Catskill Daily Mail (Greene County; circulation 2,243). Those newspapers do not circulate or serve any subscribers in the Project area. Both newspapers are too geographically remote from the Project area and lack sufficient circulation to satisfy the notice requirement of 16 NYCRR §§ 1000.5(d) and 1000.7(a).

Sam Laniado, Esq.
April 25, 2018

The Ravena News Herald, the local community newspaper serving Coeymans, is the closest to the Project area. The Albany Times Union also serves Coeymans and is a widely read daily newspaper that has a circulation of 44,189, approximately seven times the combined circulation of the two newspapers in which the PSS was published.

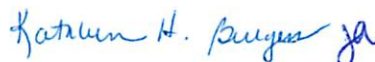
Kindly republish the PSS in both the Ravena News Herald and the Albany Times Union and file the proof of publication as required by 16 NYCRR § 1000.5(d).

Upon the Siting Board's receipt of the affidavit of publication in the Ravena News Herald and the Albany Times Union consistent with the requirements of 16 NYCRR § 1000.5 and 1000.7, the PSS may be found to be in compliance. Until then, intervenor funds will not be made available pursuant to 16 NYCRR § 1000.10(a)(3), and the 21-day period for comments required by 16 NYCRR § 1000.5(g), the ad hoc nominating process under PSL § 161, and the 90-day waiting period for filing of an application pursuant to 16 NYCRR § 1000.5(c) will not begin.

Once the proof of publication is filed, a separate letter will be sent confirming that the PSS is in compliance with the notice requirements of Article 10 and the implementing regulations and that the next steps of the process may begin. In addition, the Department's Staff is continuing to review the PSS and in a separate letter, will provide comments in the normal course once it is compliant.

If you have any questions, please contact Heather Behnke in the Office of General Counsel at (518) 474-5474.

Very truly yours,



Kathleen H. Burgess
Secretary

cc: Service List