

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Joint Petition of DMP New York, Inc. and Laser
Northeast Gathering Company, LLC to Amend
Certificate of Environmental Compatibility and
Public Need to Add Two Compressor Units

CASE 10-T-0350

REPLY COMMENTS OF WILLIAMS FIELD SERVICES COMPANY, LLC

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INTRODUCTION

Williams Field Services Company, LLC, on behalf of Laser Northeast Gathering Company, LLC, and DMP New York, Inc. (collectively “Williams” or “Petitioners”) hereby submits these Reply Comments in support of the their pending petition¹ for an order approving an amendment to the Certificate of Environmental Compatibility and Public Need (the “Certificate”) issued by the State of New York Public Service Commission (the “Commission”) to Petitioners on February 22, 2011 in Case 10-T-0350.² The Amendment Petition, as supplemented, seeks Commission approval to permit the addition of two (2) compressor units in the existing Dunbar Compressor Station, and a finding that Williams has fully satisfied Certificate Conditions 1. (z) and 1. (s2), requiring Williams to show that it complies with the sound and demonstration requirements set forth in Chapter 68 of the Town of Windsor Code (the “Town Code”)³ and the 40 dBA at-residence standard imposed by the Commission. In the

¹See Case 10-T-0350, *DMP New York, Inc. and Laser Northeast Gathering Company, LLC*, Joint Petition of DMP New York, Inc. and Laser Northeast Gathering Company, LLC to Amend Certificate of Environmental Compatibility and Public Need to Add Two Compressor Units (July 25, 2012); *see also* Case 10-T-0350, *DMP New York, Inc. and Laser Northeast Gathering Company, LLC*, Supplement to Joint Petition of DMP New York, Inc. and Laser Northeast Gathering Company, LLC to Amend Certificate of Environmental Compatibility and Public Need to Add Two Compressor Units (Jan. 17, 2013) (collectively “Amendment Petition”).

² Case 10-T-0350, *DMP New York, Inc. and Laser Northeast Gathering Company, LLC*, Order Granting Certificate of Environmental Compatibility and Public Need (Feb. 22, 2011) (“Certificate Order”).

³ Available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C69EDAE9-28C5-4A0A-8C13-2FCBCEEC3106}>.

alternative, Williams has requested further amendment of the Certificate to establish the ambient sound level at 40.2 dBA for purposes of determining compliance with the Town Code or, again in the alternative, to refuse to apply the Town Code default ambient level of 35 dBA plus 5 BA or 3 dBA (as applicable) maximum sound levels at the Dunbar Compressor Station property lines because the levels are unreasonably restrictive pursuant to the criteria specified in Public Service Law (PSL) Section 126(1)(f). Instead, Williams requests that the maximum nighttime levels at all of the property lines be set at 43.2 dBA (40.2 ambient plus 3 dBA) and the maximum daytime levels at all of the property lines be set at 45.2 (40.2 ambient plus 5 dBA).⁴

On July 31, 2013, the Commission issued a Notice Soliciting Comments which set a comment date of August 20, 2013. In response, 73 comments were received. Williams hereby submits its response to the comments in opposition.

In summary, Petitioners request that the relief sought in the Amendment Petition be granted because the Petitioners have satisfied the required legal standards. Specifically, no commenter has asserted that shorter term sound studies are preferable to longer term studies or that the Dunbar Compressor Station is not achieving the levels reported in the submitted studies, thus supporting a determination that Williams is currently in compliance with the requirements set forth in the Town Code, or, in the alternative, amending the Certificate to establish the current ambient sound level at 40.2 dBA, the maximum nighttime level at 43.2 dBA, and the maximum daytime level at 45.2 dBA. Nor was there any assertion that further, reasonable sound mitigation at the Dunbar Compressor Station is technologically possible, let alone cost effective, thus justifying, if need be, a Commission refusal to apply the Town Code pursuant to PSL § 126(1)(f). One commenter questioned the adequacy of the Town Code, arguing that it should be

⁴ To avoid any possible confusion that may be caused by statements made in the Petition Supplement at Section III, Petitioners are requesting that the Commission set the maximum nighttime level at all property lines at 43.2 dBA (40.2 ambient plus 3 dBA) and the maximum daytime level at all property lines of 45.2 (40.2 ambient plus 5 dBA).

modified in several respects. Apparently, according to the comments, this argument had previously been presented to the Town by the commenter but there has been no change to the Town Code. Furthermore, while the Commission has the authority to refuse to apply an unreasonably restrictive local code and adopt its own standards, as it did here by adopting a 40 dBA at-residence sound limit, it is not authorized to modify local codes, especially to apply them in a more restrictive manner than they are written and promulgated. These comments are addressed in more detail below.

THE COMMENTS

The Commission received 73 comments from the public. Out of those comments, the majority (52) support the Amendment Petition while 21 oppose it. The opposition comments can be roughly grouped as follows: several commenters claim that (1) they were told that “they would never see, hear, or smell” the Dunbar Compressor Station; (2) that Williams is attempting to change or circumvent the Town Code; and (3) that the Dunbar Compressor Station is generally too loud, especially during blowdowns or venting. It is important to note that no commenters suggested any additional sound mitigation measures, reasonable or otherwise, that are available to Williams to further reduce sound from the Dunbar Compressor Station.

As it relates to the commenters that are basing their opposition to the Amendment Petition on the claim that they were told they would not see, hear, or smell the Dunbar Compressor Station, Williams did not make this alleged representation and, as such, it should not be held accountable for the alleged representation made by its predecessor. Williams acquired the Dunbar Compressor Station in February 2012, and since that time has undertaken extensive mitigation measures to bring it into compliance with the Certificate, subject to the Commission’s oversight.

Another persistent theme in opposition comments is that Williams is attempting to change or somehow circumvent the Town Code. As described in the Amendment Petition, the Town Code sets a maximum sound level at 3 dBA above nighttime ambient levels. The Town Code also sets a default ambient level which can be adjusted as described therein. Williams is not seeking to change or in any way circumvent the Town Code. On the contrary, Williams is simply following the provisions of the Certificate and Article VII by asking the Commission to recognize an accurately measured ambient sound level that excludes periods of construction and existed in the Town before the Dunbar Compressor Station was operational. The accurately measured ambient sound level was determined by a long-term, multi-seasonal study and it is the only long-term, scientifically credible measurement of the ambient sound levels that existed in the Town. The fact is that Williams has, and is, following the Certificate and the applicable parts of the Town Code to accurately set sound limits that Williams is required to achieve. To the extent the Commission decides not to apply the Town Code, that falls squarely within its authority under PSL §126(1)(f).

Sound Levels

The majority of opposition comments focus on the sound levels emitted from the Dunbar Compressor Station, especially those associated with blowdowns. Despite the fact that not a single commenter has proposed any additional mitigation measures available to Williams, several complain that the sound levels they experience at their properties are annoying. The table below lists the location of each complainant who lives within 3 miles of the Dunbar Compressor Station along with the most recently measured levels at the residence or closest available measurement location. As described in the Amendment Petition, sound levels at every residence are significantly below the Commission imposed 40 dBA maximum. In addition, sound levels at all residences and in the community have been significantly reduced due to the

extensive mitigation measures employed by Williams. As indicated in the Amendment Petition, no additional mitigation measures are available. Of the 21 comments in opposition, 6 either live more than 3 miles away from the Dunbar Compressor Station, and therefore, based upon the submitted sound surveys, are too far away to be affected by the station's sound, or their exact location could not be determined.

Commenter	Street Address in 13865	Approximate Distance from Station	Closest NSA/Position and Most Recent Sound Reading
McKnight, Timothy	433 Dunbar Road	1175'	NSA#1A-36.1 dBA
Pennay, Kelly	421 Dunbar Road	1200'	NSA#1A-36.1 dBA
Lynch, James	409 Dunbar Road	1200'	NSA#1A-36.1 dBA
Eggleston, Gregory & Wendy	420 Dunbar Road	1280'	NSA#1A-36.1 dBA
Henehan, Jerome	350 Dunbar Road	1880	NSA#1B-32.3 dBA
Launt, Daniel & Cynthia	46 Patterson Road	1950'	NSA#2-35.5 dBA; Pos. 2-35.5 dBA; and Pos. 5-38.6 dBA
Platner, Serena	83 Patterson Road	1900'	NSA#2-35.5 dBA; Pos. 2-35.5 dBA; and Pos. 5-38.6 dBA
Watkins, Milton	151 Patterson Road	2010'	NSA#2-35.5 dBA; Pos. 2-35.5 dBA; and Pos. 5-38.6 dBA
Goss, Stephen	34 Patterson Road	2300'	NSA#2-35.5 dBA; Pos. 2-35.5 dBA; and Pos. 5-38.6 dBA
Lippolis, Mark and Kimberly	330 Dunbar Road	2570'	NSA#1B-32.3 dBA
Pierson, Linda & Charles	307 Dodd Road	2800'	NSA#1A-36.1 dBA
Clarke, Scott	249 Dodd Road	2875'	NSA#1A-36.1 dBA
Llewellyn, John & Kim	266 Dodd Road	3800'	NSA#1A-36.1 dBA
Scherer, Albert & Nancy	280 Dodd Road	3880'	NSA#1A-36.1 dBA
Ruggieri, Peter & Eileen	181 Dire Road	13500'	NSA#1B 32.3 dBA

As far as sounds associated with blowdowns, it is useful to briefly summarize what blowdowns are and why they occur. Blowdowns are a method of safely relieving gas pressure from the Dunbar Compressor Station's component equipment. Whenever gas pressure needs to be lowered, excess gas is vented to the atmosphere. As that gas is released through a pressure valve and subsequent vent, sound is created. There are two types of scheduled blowdowns that occur at the Dunbar Compressor Station. The first category includes the intermittent short duration venting of gas to the atmosphere associated with normal compressor unit startups and shutdowns. It should be noted that this intermittent short duration venting is automatically routed to the Dunbar Compressor Station blowdown silencer which significantly reduces the intermittent venting sound to nearby residents and the community. The second category includes the intermittent short duration venting of ancillary equipment for maintenance activities. When feasible, this vented gas is also routed to the Dunbar Compressor Station blowdown silencer. Because this activity is associated with maintenance, Williams' standard practice is to perform these activities during daytime hours, unless extenuating circumstances do not permit it. Both categories of venting occur intermittently, have a short duration, and are necessary for the safe and reliable operation of the Dunbar Compressor Station.

The Dunbar Compressor Station is also equipped with an Emergency Shutdown System (i.e., ESD System) which, under certain alarm conditions, isolates the Dunbar Compressor Station from the inlet and outlet pipelines, and vents all natural gas inside the Dunbar Compressor Station, as a safety precaution.

Due to the volume of high pressure natural gas being vented from the Dunbar Compressor Station as a safety precaution, an ESD tends to be louder than a normal scheduled blowdown. It should be noted that Williams, when possible, also routes the ESD system gas to

the Dunbar Compressor Station blowdown silencer to minimize the impact to nearby residents and the surrounding community.

Gas venting of the ESD is an unscheduled event and can occur during abnormal operating conditions. While audible, an ESD and its associated sound only lasts for a short period of time and is expected to occur infrequently. An ESD is an integral component of the safety equipment of any compressor station and is essential for the safe operation of the Dunbar Compressor Station. In fact, the Commission's regulations require every compressor station to have an emergency shutdown system capable of "blow[ing] down the station piping."⁵ In addition, in an effort to further mitigate the short duration sound associated by ESDs, Williams has configured the facility in such a way that, when it can be done safely, ESDs are also routed through a blowdown silencer that was installed on the Dunbar Compressor Station.

In an effort to further ensure safe operation of the Dunbar Compressor Station and minimize sound events, Williams has installed a device at the facility that measures changes in sound levels. Williams has put an operating procedure in place to monitor and respond to changes in sound levels recorded by the device. In the event that an unusual sound level change is detected, alarms are triggered at Williams' gas control group and personnel are immediately dispatched to investigate the cause of the event to make sure that the all equipment is operating properly. As Williams completes its planned upgrades to the Dunbar Compressor Station, the frequency of maintenance blowdowns and ESDs is anticipated to decrease to below their current, already infrequent levels.

The sound mitigation measures implemented by Williams over the past year required various segments of existing gas piping and equipment to be vented to the atmosphere while new equipment was installed. Upon completion of each applicable phase of the sound mitigation

⁵16 NYCRR 255.167.

work, it was also necessary to then purge the piping and equipment with natural gas until all atmospheric air was removed. Where it was feasible, the venting related to the installation of the mitigation measures was routed through the existing Dunbar Compressor Station blowdown silencer to minimize the sound impact to nearby residents and the surrounding community. However, there were several instances where this could not be done, so it should be noted that the implementation of the extensive sound mitigation measures was associated with increased sound of blowdowns.

With respect to the proposed addition of two new compressor units, if approved by the Commission, Williams anticipates that the majority of venting related to the installation can be vented through the existing Dunbar Compressor Station blowdown silencer and, where not feasible, Williams intends to perform direct venting during daytime hours.

McKnight Comments

The only technical comments on the Amendment Petition were filed by Mr. Timothy McKnight. Mr. McKnight details his prior history of working with the Town and Williams (as well as Williams' predecessor) in addressing his concerns relating to the Dunbar Compressor Station. Mr. McKnight relates that he supports Williams' "request to expand operations with new compressors that would only lead to a further reduction in noise." Nevertheless, Mr. McKnight expresses concerns with the sound levels produced by the Dunbar Compressor Station as well as the adequacy of the Town Code to protect against unreasonable sound levels. Mr. McKnight does not suggest any additional mitigation measures that are available to Williams and does not argue that sound levels from the Dunbar Compressor Station can be reduced further. Mr. McKnight submitted two reports with his comments, one from ESA Consulting Services, and one from Acoustilog Inc. Mr. McKnight concludes by making five recommendations, each of which is addressed in turn below.

(1) Measure sound levels at the Station's property line and at the nearest residential receptors.

Mr. McKnight requests that Williams be required to re-measure sound levels at its property lines and add additional sampling locations at all nearby locations impacted by the facility, such as Mr. McKnight's pond pavilion. The Certificate requires Williams to comply with two distinct requirements as related to maximum sound levels. The first of these is 40 dBA maximum at all existing residences. As indicated in the Amendment Petition, Williams is in full compliance with that requirement. The second requirement requires measurements at property boundary lines. In conducting the property boundary line measurements, Mr. McKnight's pavilion is at or near position 11 in Williams' submitted reports. The sound levels measured at that location were 35.3 dBA and 37.8 dBA, both below the Commission-imposed 40 dBA limit.

Furthermore, based upon the dates on the reports submitted by Mr. McKnight, it appears that the June 4, 2012, Dunbar CS – Article VII Sound Survey Report is the latest report to be reviewed by Mr. McKnight's consultants. It should be noted that very significant sound control measures had yet to be implemented by Williams by that point.

(2) Use L_{90} and not L_{eq} to describe the ambient noise.

Mr. McKnight submitted a report produced by Acoustilog Inc. that advocates for the use of L_{90} to measure ambient sound instead of L_{eq} used by Williams' consultant. The report relates that L_{90} is the sound level that is exceeded 90% of the time, and claims that this is a more accurate representation of ambient sound than the L_{eq} , which averages all sounds observed over a specific time period. At the outset, it is important to point out that both of the measurements relied on by Mr. McKnight were performed by his consultants over a condensed period in a single night. The ESA Consulting Service study took place over a single 9 hour period on February 23, 2011. Similarly, the Acoustilog report was performed over just 6 hours and 20

minutes on June 15, 2011. As Williams demonstrated at length in the Amendment Petition, long term sound sampling produces more accurate results and is the preferred method of sound measurement in the industry.⁶ The Acoustilog report actually admits that “louder events like truck traffic pick up in the early morning after 6:20 am,” the time Acoustilog decided to stop measuring sound levels. However, the Town Code defines nighttime between 10:00 p.m. and 7:00 a.m. Therefore, the Acoustilog report fails to include this time period; inclusion would result in higher ambient noise levels, even using the L_{90} metric. Simply stated, neither of the two reports submitted by Mr. McKnight can be used to set the ambient sound level for the purposes of Town Code compliance because neither accurately measured ambient sound in compliance with the Town Code, nor were they performed over any meaningful seasonal time period.

L_{eq} is the preferable metric for measuring ambient sound levels because it most accurately measures ambient sound as defined by the Town Code. While the Town Code does not specify how sound measurements should be reported, it defines Ambient Noise as follows:

AMBIENT NOISE – The all-encompassing noise associated with a given environment, being usually a composite of sound from many sources. The calculation of measurement of ambient noise shall subtract any or all noise or sound generated by properties or uses that have been issued a special permit, as prescribed herein.⁷

The definition includes all-encompassing noise, *i.e.*, all sources of sounds naturally present. L_{eq} is the better metric to express that sound. By definition, the L_{90} metric advocated for by Mr. McKnight and his consultants does not take into account louder, naturally occurring sounds of non-constant nature. The L_{90} metric does not produce an accurate representation of the

⁶See Amendment Petition at 12-13 (*citing* ACOUSTICAL SOC’Y OF AM., *American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound. Part 1* (1988); ACOUSTICAL SOC’Y OF AM., *American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound. Part 2: Measurement of Long-term, Wide-area Sound* (1992) (*reaffirmed in 2008*)).

⁷Town Code Section 68-6 (B).

“all-encompassing” noise, nor does it present an accurate composite of all sounds present, be they constant or transitory.

The 40.2 dBA L_{eq} nighttime ambient sound level is the long-term sound level and it includes ambient sound levels over three seasons. It is representative of the ambient sound level as defined in the Town Code (*i.e.*, “the all-encompassing noise associated with a given environment, being usually a composite of sound from many sources”). Because it is the long-term average sound level, the short term sound level (*i.e.*, the one night of partial sampling) during any nighttime period can be above or below this level.

(3) Limit the sound levels in all of the octave bands, not merely using the dBA scale.

Mr. McKnight argues that Williams should be required to limit sound from the Dunbar Compressor Station across all octave bands, instead of the dBA scale used by both the Commission and the Town Code. In support of this argument, the Acoustilog report claims that the Town Code does not adequately protect the Town residents, because the scale does not account for low frequency sounds. Again, Mr. McKnight offers no suggestions as to how or if these low frequency sounds can be further mitigated. As indicated in the Amendment Petition, Williams has already employed all available mitigation measures at the Dunbar Compressor Station. Furthermore, Williams is only required to comply with its existing Certificate conditions, which, *vis-à-vis* maximum sound levels, prescribe maximums measured in dBA at residences and at property lines as does the Town Code.

Furthermore, every sound study submitted by Williams to date has included octave-band sound pressure levels, which is contrary to the assertion that octave-band sound levels are not considered. The sound mitigation measures employed at the Dunbar Compressor Station have been specifically selected to address low frequency, mid frequency and high frequency sound.

These mitigation measures have been successful, as they have significantly reduced all frequencies of sound emitted by the Dunbar Compressor Station.

(4) Require proper advance notice of all loud events (i.e., blowdowns).

Here, Mr. McKnight asserts he has not been notified of blowdowns and argues that in the initial Application, Williams' predecessor promised that blowdowns would only occur for 35 days from initial startup and be conducted between the hours of 9 a.m. and 6 p.m. As explained earlier, the frequency of blowdowns increased while modifications were made to the Dunbar Compressor Station to install sound mitigation equipment. As further explained, once construction is complete, the frequency of blowdowns will be greatly reduced. To the extent practicable, all scheduled blowdowns have been and will continue to be performed during daytime hours so as to minimize any possible short-term disruption to neighboring residents. Furthermore, the blowdown silencer installed by Williams has minimized the level of the short duration sound emitted during blowdowns.

Contrary to Mr. McKnight's assertion, the original application indicated that unscheduled blowdowns would continue throughout the life of the Dunbar Compressor Station. As explained above, unscheduled blowdowns are an essential part of safely operating a compressor station, are part of the applicable regulations, and the timing of their occurrence is impossible to control. Nevertheless, Williams is doing everything possible to decrease the short duration sound caused by the unscheduled blowdowns and the frequency of unscheduled blowdowns, and that frequency is expected to be significantly reduced following completion of construction activities.

(5) Prohibit Laser/Williams from raising the noise level in any octave band or dBA level more than 3 decibels in the future.

Here, Mr. McKnight states that while Williams "claims to be upgrading the facility their previous misleading reports and methodology might lead to insufficient improvements." As

previously reported to the Commission, the improvements to the Dunbar Compressor Station are not only real, but also effective. As a result of millions of dollars invested by Williams, the Dunbar Compressor Station is now fully compliant with the Certificate. In any event, neither Mr. McKnight nor anyone else has suggested that any further mitigation measures are available. Since its acquisition of the Dunbar Compressor Station in February of 2012, Williams has diligently worked in cooperation with the Commission, Town, and its residents to lower the sound levels from the Dunbar Compressor Station as much as possible. Due to these efforts, maximum sound reduction has now been achieved. Williams is not requesting to raise the permissible sound levels from the Dunbar Compressor Station any further from what is supported in the filed sound studies. Instead, Williams is requesting that the maximum nighttime sound level be set at 43.2 dBA(40.2 ambient level plus 3 dBA) and the maximum daytime sound level be set at 45.2 (40.2 ambient level plus 5 dBA), pursuant to the demonstration procedures provided in the Town Code. Williams is currently in compliance with the Town Code based on that ambient sound level, and will continue to be should the Amendment Petition be granted.

Town of Windsor Comments

The Town of Windsor submitted comments arguing that, should the Commission accept the long-term measured ambient sound levels as described in the Amendment Petition, the Commission should establish a new ambient level only for the one property line that currently exceeds the default 35 dBA (plus 3 dBA) ambient sound level provided in the Town Code. All other property lines would be deemed to have an ambient sound level of 35 dBA. While Williams certainly appreciates the Town's concerns, Williams respectfully submits that this argument should not be accepted as it does not take into account the actual sound sampling that has been done per the demonstration process as well as the wording and intent of the Town Code

that establishes a single ambient sound level for the entire Town. Specifically, Section 68-8(F) of the Town Code provides that:

[t]he maximum permitted noise or sound levels on property, *within the geographical boundaries of the Town of Windsor* are:

During daytime hours: ambient noise levels plus five (5) dBA.

During nighttime hours: ambient noise levels plus three (3) dBA.

Additionally, until demonstrated by the applicant or by the Town, ambient noise or sound levels *within the Town of Windsor* shall be assumed to be 35 dBA.⁸

Simply stated, the Town Code does not permit the type of property boundary line by property boundary line approach to ambient sound level setting now requested by the Town. The demonstration process requires a single ambient sound level based on sampling by an applicant “within the Town of Windsor.”

The Town is basically asking the Commission, in this instance, to revise the Town Code, and interpret it more restrictively than its plain wording and meaning, rather than opposing Williams’ request that the Commission refuse to apply an unreasonable local requirement. PSL 126(1)(f) does not authorize the Commission to essentially “amend” the wording of the Town Code to impose more restrictive standards.

As acknowledged by the Town in its comments, the nature of sound propagation is such that a single sound source affects different property boundaries to varying degrees.⁹ This certainly results in potential differences in ambient sound levels within the Town. However, the Town Code wisely imposes a single ambient (either the default level or the level derived through the demonstration process) on affected Town occupants for each project proposed. To do

⁸ Town Code Section 68-6 (F) (emphases added).

⁹Town of Windsor Comments at 2.

otherwise would unfairly subject Town residents located in different geographic locations to different ambient standards.

CONCLUSION

Based on the foregoing, Petitioners respectfully request that the Commission grant the relief requested in the Amendment Petition and that a decision be made by the Commission at the earliest possible public session.

Respectfully submitted,

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