

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on March 13, 2012

COMMISSIONER PRESENT:

Garry A. Brown, Chairman

Case 11-T-0654 - Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 4.9 Mile Natural Gas Transmission Pipeline and Associated Facilities in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County.

ORDER REQUIRING HEARING

(Issued and Effective March 13, 2011)

DISCUSSION

On November 30, 2011, New York State Electric & Gas Corporation (NYSEG) submitted an application pursuant to Section 121-a(3) of the Public Service Law (PSL) for a Certificate of Environmental Compatibility and Public Need (Certificate). NYSEG was advised on December 14, 2011, that the application, as submitted, was not filed or otherwise in compliance with the PSL and the Commission's regulations implementing the PSL. NYSEG submitted supplements to its application on December 27, 2011, January 6, 2012, February 7, 2012, February 9, 2012, February 10, 2012, and March 6, 2012. On March 7, 2012, NYSEG was apprised that the application was determined to be filed or otherwise in compliance with Section 121-a(3) of the PSL, and

the Public Service Commission's regulations implementing the PSL, as of March 6, 2012.

PSL §121-a(7) requires that the Commission render a decision within sixty days from the date on which it receives an application complying with the filing requirements of the PSL, except where the Commission has required a hearing. In the event a hearing is required, the Commission may extend the time required to render a decision. In this instance, NYSEG is proposing to acquire additional land rights and has the ability to exercise eminent domain powers. Landowners whose property may be affected should have the opportunity to voice their concerns in person on the record about the need for the proposed line, the proposed route location, and their land interests. Therefore, a public statement hearing is required in this proceeding. As such, the sixty-day time frame for rendering a decision will be extended. A notice specifying the location, date, and time of the public statement hearing shall be issued. The assigned administrative law judge may hold a procedural conference to assist in the review of the application. As part of its supplement, dated March 6, 2012, NYSEG agreed to serve, via first class mail, notice on "all owners of, and holders of liens on, properties for which NYSEG has not already obtained the property rights necessary for the project. This notice will advise that the Application has been filed, that NYSEG intends to acquire the necessary property rights by condemnation if necessary, the date of the public statement hearing the Commission will hold on NYSEG's application, and that interested persons can provide their views to the Commission either at the hearing or in writing to the Commission." NYSEG is further required to send a notice of the public statement hearing to

every landowner whose property is within 150 feet of the edge of the proposed right-of-way.

It is ordered:

1. A public statement hearing shall be scheduled in this proceeding and the sixty-day time frame for rendering a decision shall be extended.

2. Within five days after issuance of the notice of hearing, New York State Electric & Gas Corporation shall send notice of the public statement hearing to every landowner whose property is within 150 feet of the edge of the proposed right-of-way.

3. The Secretary is authorized to extend the deadline in Ordering Clause 2.

4. This proceeding is continued.

(SIGNED)

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Commissioner