

NEW YORK STATE BOARD ON ELECTRIC  
GENERATION SITING AND THE ENVIRONMENT

Department of Public Service

CASE 99-F-1627 - Application by New York Power Authority for a Certificate of Environmental Compatibility and Public Need to Construct and Operate a 500 Megawatt Combined Cycle, Combustion Turbine Electric Generating Facility at its Existing Charles Poletti Power Project in Astoria, Borough of Queens.

AND

Department of Environmental Conservation

CASE No. 2-6301-00084/00016

SPDES No. 0267503 - In the Matter of Application for a State Pollutant Discharge Elimination System Permit Pursuant to Environmental Conservation Law (ECL) Article 17 and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Parts 750 *et seq.*, and Air Pollution Control permits consisting of a Preconstruction permit and a Certificate to Operate, pursuant to ECL Article 19 and 6 NYCRR Parts 200 *et seq.*

RULING GRANTING QUEENS AND CHOKE  
ADDITIONAL FUNDS TO ANALYZE ISSUES

(Issued June 12, 2001)

KEVIN J. CASUTTO and WILLIAM BOUTEILLER, Examiners:

On May 18, 2001, the Office of the President, Borough of Queens (Queens), and Citizens Helping Organize a Kleaner Environment (CHOKE), obtained \$21,840 for their experts to use up to 168 hours to review the New York Power Authority's

application in these proceedings.<sup>1</sup> The parties were provided this amount to begin their efforts promptly. We held off from providing them any additional sums before the June 5, 2001 prehearing and issues conference.

To date, Queens/CHOKE has provided ample information for us to consider, including their May 15 and 24, 2001 pleadings and the discovery they posed on May 29, 2001. Also, at the June 5th conference, we discussed with them the matters they are seeking to develop in these proceedings and, at the conclusion of the conference, they agreed to revise their funding proposal.

By letter dated June 7, 2001, Queens/CHOKE have re-addressed the second task identified in their proposal, independent analysis of the issues they plan to pursue.<sup>2</sup> They now estimate that this task would require up to \$99,000 if all of their matters were to receive funding.

At this time, we find it proper to provide Queens/CHOKE Task II funding for five subjects that are likely candidates for the hearings in this case: visual, noise and vibration impacts, MAPS computer simulations, gas supply issues and electrical interconnection matters. With respect to the other matters they have raised--air emissions, health impacts, and neighboring community impacts--we find that these items require further consideration before any Task II funds can be contemplated for these purposes.<sup>3</sup>

---

<sup>1</sup> Case 99-F-1627 et al., Ruling Granting Queens and CHOKE Funds to Review Application and Conduct Discovery (issued May 18, 2001). Queens and CHOKE are the only parties to have requested funding pursuant to PSL §164(6)(b) and 16 NYCRR 1000.9.

<sup>2</sup> At a later date, Queens/CHOKE will update the portions of their funding request that pertain to the preparation of expert testimony, expert representation at hearings, and the assistance their experts will provide to brief issues to the examiners and the Siting Board.

<sup>3</sup> See, DEC Case No. 2-6301-00084/00016 and SPDES No. 0267503, Scheduling Memorandum (issued June 8, 2001).

Accordingly, we are granting Queens/CHOKE \$49,400 for up to 380 hours of independent analysis of visual, noise and vibration impacts, MAPS computer simulations, gas supply issues and electrical interconnection matters. In addition, we are providing them \$5,200 for up to 40 hours to analyze the January 1998 in-house generation study identified in Section 15.3 of the New York Power Authority's application. This Task II funding award is subject to the contract Queens/CHOKE has executed with the Department of Public Service. The disbursement of these funds shall be administered by the Department's Director of Finance and Budget.

(SIGNED)

WILLIAM BOUTEILLER

KEVIN CASUTTO