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April 28, 2004

Hon. Jaclyn Brilling
Secretary
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

*Orig Files
C03-T-1641
Copies!
ALJ Carolyn
Order Notice*

Re: Application of Conjunction, LLC for a Certificate of Environmental
Compatibility and Public Need Pursuant to Article VII of the Public Service Law
for the Empire Connection Project
Our File No. 03923-51615
Case No. 03-T-1641

Dear Secretary Brilling:

Enclosed are an original and five copies of the Town of Woodbury's Petition to Intervene
in the above-referenced proceeding.

A copy of this Petition has been served via first class mail upon Counsel for the
Applicant and upon all other parties as set forth on the Affidavit of Service attached to the
Petition.

Very truly yours,


RICHARD F. LIBERTH

RFL/tm/256728
Enclosures
cc: Service List

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case No. 03-T-1641

-----X
APPLICATION OF CONJUNCTION, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED PURSUANT TO ARTICLE VII OF
THE PUBLIC SERVICE LAW FOR THE EMPIRE
CONNECTION PROJECT
-----X

PETITION FOR INTERVENTION

The Town of Woodbury ("Woodbury") hereby petitions the Public Service Commission pursuant to N.Y. Public Service Law §124 (1)(i) and 16 NYCRR 016785.2.11(a)(6) to intervene as a party in the captioned certification proceeding.

Woodbury has an interest in the proceeding, as the proposed transmission line will be located within a critical transportation corridor, which runs through the middle of Woodbury. Disruption of the traffic pattern on the New York State Thruway would create an avoidable traffic problem for Woodbury in that the nearest North/South artery runs right through the middle of Woodbury, to wit, State Route 32, which is a two-lane road, which under the best of circumstances is already under considerable stress. Any disruption of the traffic pattern on the New York State Thruway as a result of this project is capable of creating virtual gridlock conditions in Woodbury, particularly if traffic patterns are in any way affected on weekends.

As the documents which have been made available to Woodbury to date are not clear as to whether the transmission lines are to be above or below ground, the visual impact and environmental impacts are not clear at this time. Wherever transmission lines are visible, they clearly will impact on a adjoining landowners and Woodbury has an interest in trying to protect the esthetic appearance of the town as well as any potential environmental impacts this project may ultimately create.

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Lastly, as the overall scope of the project is not completely clear, it is expected that there may be additional interests which Woodbury would seek to have input and having active party status would be the only way to properly monitor same and protect the overall interests of the Town.

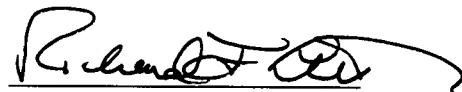
For the reasons stated above, Woodbury has an interest in the proceedings and its participation would contribute to the appropriate planning and safeguards as may be necessitated during the environmental compatibility process.

Woodbury therefore respectfully requests that it be added to the active party list in this proceeding and that all papers be served upon the following:

Richard F. Liberth, Esq.
Town Attorney
Drake, Sommers, Loeb, Tarshis, Catania & Liberth, PLLC
One Corwin Court
P.O. Box 1479
Newburgh, New York 12250
Tel. 845-565-1100
Fax 845-565-1999

Dated: April 27, 2004

Respectfully,



RICHARD F. LIBERTH
Town Attorney
Town of Woodbury

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and

Check Applicable Box

Attorney's Certification

certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Attorney's Verification by Affirmation

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for . I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

Dated: _____
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

Check Applicable Box

Individual Verification

in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Corporate Verification

the of a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on _____, 20 _____
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On _____, 20 _____, I served a true copy of the annexed in the following manner:

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Service by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Personal Service

by delivering the same personally to the persons at the address indicated below:

Service by Electronic Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Overnight Delivery Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

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(Print signer's name below signature)

Index No.

Year 20

DRAKE, SOMMERS, LOEB, TARSHIS, CATANIA & LIBERTH, PLLC
Attorneys for

ONE CORWIN COURT
POST OFFICE BOX 1479
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(845) 565-1100

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Signature.....

Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

that the within is a (certified) true copy of a 20
NOTICE OF entered in the office of the clerk of the within named Court on
ENTRY

that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF Hon. one of the judges of the within named Court,
SETTLEMENT at
on 20 , at M.

Dated:

DRAKE, SOMMERS, LOEB, TARSHIS, CATANIA & LIBERTH, PLLC
Attorneys for

ONE CORWIN COURT
POST OFFICE BOX 1479
NEWBURGH, NEW YORK 12550

To:

Attorney(s) for

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X Case No. 03-T-1641

APPLICATION OF CONJUNCTION, LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED PURSUANT
TO ARTICLE VII OF THE PUBLIC SERVICE LAW FOR THE EMPIRE
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STATE OF NEW YORK, COUNTY OF

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I, the undersigned, am an attorney admitted to practice in the courts of New York, and certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box

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say that: I am the attorney of record, or of counsel with the attorney(s) of record, for

Attorney's Verification by Affirmation

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Sworn to before me on _____, 20 _____

(Print signer's name below signature)

Index No.

Year 20

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Attorneys for

ONE CORWIN COURT
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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Signature.....

Print Signer's Name.....

Service of a copy of the within *is hereby admitted.*

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

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NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on *20*

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. *one of the judges of the within named Court,*
at *on* *20* , *at* *M.*

Dated:

DRAKE, SOMMERS, LOEB, TARSHIS, CATANIA & LIBERTH, PLLC
Attorneys for

ONE CORWIN COURT
POST OFFICE BOX 1479
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To:

Attorney(s) for