

NYS BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov/sitingboard



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Acting Secretary

January 10, 2012

The Honorable Urban C. Hirschey
Supervisor
Town of Cape Vincent
1964 NYS Route 12E
Cape Vincent, NY 13618

Re: Case 12-F-0410

Dear Supervisor Hirschey:

I have received your December 20, 2012 letter in which you again raise concerns regarding donations that you assert were provided by Cape Vincent Wind, a potential applicant for an Article 10 certificate, to local community organizations.

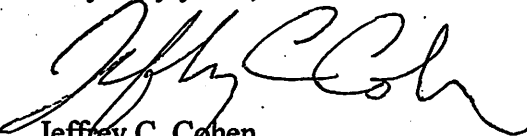
You state in your letter that you are concerned about the ethical propriety of a potential applicant "giving money to stakeholders prior to the time these stakeholders will be asked what they think" of the proposed project. Further, you suggest that a program of donations should be included in an applicant's Public Information Plan ("PIP").

As a general matter, the Siting Board does not review an applicant's policies regarding donations to community service groups. However, several state laws do restrict gifts to public officials and employees. If you believe that an applicant has made an improper donation to such an individual, then a referral of the matter to the Joint Commission on Public Ethics may be warranted. The Siting Board would make a referral if it has evidence that a violation of the State's ethics laws has occurred; however, the information provided in your letters does not suggest there is a basis for such an action here. You are free to make a referral directly to the Joint Commission on behalf of the Town at any time.

A project developer is free to engage in community-focused activities not listed or identified in a PIP unless those activities have the effect of undermining Article 10's public participation goals by either misinforming the public about the project or hindering interested parties from participating in the Article 10 process. A donation to a community group does not, by itself, demonstrate that those goals have been or will be compromised.

Thank you for your letter. Please do not hesitate to contact the Siting Board if you have any other concerns in the future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey C. Cohen". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent and the last name "Cohen" following in a similar style.

Jeffrey C. Cohen
Acting Secretary