

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 15-T-0305 - Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Clay-Dewitt Line 3 & Clay-Teall Line 10 Rebuild & Reconductor Project in Onondaga County.

NOTICE OF JOINT PROPOSAL
AND OPPORTUNITY FOR PUBLIC COMMENT

(Issued December 20, 2017)

PLEASE TAKE NOTICE that comments are invited concerning a Joint Proposal of terms under which the Public Service Commission (Commission) would grant Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) authority to rebuild existing transmission lines 3 and 10 and construct a new substation. The Joint Proposal, signed by National Grid and Staff of the New York State Department of Public Service, the New York State Department of Agriculture & Markets, and the New York State Department of Environmental Conservation, was submitted for Commission consideration on December 4, 2017.¹ The Joint Proposal contains the terms, conditions, practices, and guidelines that the signatory parties recommend be included in a Certificate of Environmental Compatibility and Public Need allowing National Grid to replace certain of its existing 115 kilovolt (kV) electric transmission lines in the Towns of Cicero, Clay, DeWitt, and Salina, and to construct a new

¹ The original version of the Joint Proposal along with related documents was filed on November 16, 2017; supplemental, related documents were filed on November 20 and 22, 2017, and the Joint Proposal was again filed on December 4, 2017, accompanied by additional, related documents. Thus, the complete filing consists of documents filed on all of the aforementioned dates.

115kV/13.2 kV distribution substation in the Town of Cicero in Onondaga County, New York.

The project was first proposed by National Grid in May of 2015. The 2015 proposal called for a different substation location than the one specified in the Joint Proposal and would have kept the same center lines for the replacement transmission lines 3 and 10. As a result of settlement negotiations and comments from landowners and municipalities affected by the proposed project, the Joint Proposal contains recommendations to modify both the substation location and center lines for the replacement transmission lines.

Under the terms of the Joint Proposal, a new substation would be constructed on about 4 acres of property owned by the Town of Cicero, at a site east of U.S. Route 11, north of Gillette Road, and 2,200 feet south of Route 31. For existing transmission lines 3 and 10, the existing 100-foot-wide right-of-way (ROW) would be expanded by 50 feet to the east, into an existing National Grid easement for the Mallory-Cicero 34.5 kV sub-transmission line. This expansion would provide space to shift the existing center line of transmission lines 3 and 10 to the east by 10 and 20 feet, respectively, increasing the separation between the 115kV transmission line and dwellings on the west side of the ROW. This shift would reduce the level of the electric and magnetic field on the west side of the transmission ROW.

This project will require the acquisition of some additional permanent easement rights for the construction, reconstruction, relocation, clearing, tree removal, ROW access, and other project-related activities. Most new easements will be up to 25 feet wide, but two segments of 0.54 and 1.83 miles will require new easements of 250 and 50 feet, respectively.

Attached is a summary of the Joint Proposal, which was filed as Attachment B to a letter dated December 4, 2017. The full Joint Proposal and all related documents may be viewed electronically, by accessing the Department's Web site (go to www.dps.ny.gov, then search using the case number).

Interested persons are invited to submit comments concerning the proposed transmission project and the Joint Proposal by **January 17, 2018**. Comments may be submitted electronically (go to www.dps.ny.gov, click on "Search," search using case number "15-T-0350" and then click the "Post Comments" button at the top of the page; or email comments to the Secretary for the Commission at secretary@dps.ny.gov). Alternatively, comments may be mailed or delivered to Hon. Kathleen H. Burgess, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. Comments also may be submitted by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-state callers, 24 hours a day. Individuals with difficulty understanding or reading English are encouraged to call the Commission at 1-800-342-3377 for free language assistance services regarding this notice.

Written comments will become part of the record in this proceeding and may be accessed on the Department's Web site (go to www.dps.ny.gov, search using the case number, then click on the "Public Comments" tab). All comments should refer to "Case 15-T-0350, National Grid Article VII - Clay-Dewitt Line 3 & Clay-Teall Line 10." Comments must be received by **January 17, 2018**.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

ATTACHMENT B

Summary of Joint Proposal (Case 15-T-0305)

Introduction

On May 29, 2015 and subsequently, Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) filed application documents (collectively, the “Application”) in Case 15-T-0305 seeking an Article VII Certificate of Environmental Compatibility and Public Need authorizing a project (the “Project”) that would include the replacement of two of its existing 115kV transmission lines, lines 3 and 10, in the Towns of Clay, Cicero, DeWitt, and Salina and the construction of a new 115 kV/13.2 kV distribution substation (the “Cicero Substation”) in the Town of Cicero, all in Onondaga County.

Joint Proposal

Following extensive settlement negotiations with numerous settlement participants, National Grid filed a Joint Proposal in this case on November 16, 2017.¹ The Joint Proposal, which includes six appendices, was signed by National Grid, Staff of the New York State Department of Public Service designated to represent the public interest in this proceeding (“DPS Staff”), the New York State Department of Environmental Conservation, and the New York State Department of Agriculture and Markets (collectively, the “Signatory Parties”). In addition to the Signatory Parties, participants in the settlement negotiations included the Town of Cicero and several landowners.

The Joint Proposal includes numerous proposed ordering clauses that the Signatory Parties recommend the Commission adopt. These are located in Appendix D. Most of these are standard Article VII Joint Proposal clauses that would impose stringent requirements on National Grid to address important concerns such as public notice, health and safety, the contents of the Environmental Management and Construction Plan (“EM&CP”), right-of-way (“ROW”) restoration, and protection of environmental resources.

Significant Changes to the Project Reflected in the Joint Proposal

The settlement negotiations in this proceeding, as well as comments from landowners and municipalities affected by the Project, resulted in two significant changes to the design of the Project as it was detailed in the Application as first filed in May of 2015. These changes are incorporated in the Joint Proposal. Specifically:

1. National Grid had proposed to locate the Cicero Substation on an approximately 5.1 acre site located east of U.S. Route 11 and 1,550 feet north of Route 31, in the Town of Cicero, Onondaga County. During the course of settlement negotiations, National Grid agreed to propose a different site for the Cicero Substation. This different site, identified as the “Substation Site” in the Joint Proposal and described in Exhibits 22 and

¹ On November 22, 2017, DPS Staff filed direct testimony in support of Option C7 (discussed below). On December 4, 2017, National Grid filed documents agreed by the Signatory Parties to form the evidentiary record (“Evidentiary Record”); specifically, National Grid filed Exhibits 22, 23, 24, 25, 27 and 28 (it had previously filed Exhibits 1 through 21 and Exhibit 26) and eleven affidavits in support of its witnesses’ pre-filed testimony appended to the Application.

23 of the Evidentiary Record, is owned by the Town of Cicero and is located east of U.S. Route 11, north of Gillette Road and 2,200 feet south of Route 31, in the Town of Cicero, Onondaga County.

2. National Grid had proposed, for all of “Segment 5” of the Project, to locate the centerlines of the replacement lines 3 and 10 in the same locations as the existing lines they would replace. While this would have met the Commission’s Guidelines for Electric and Magnetic Field (“EMF”) levels applicable to Article VII transmission facilities, DPS Staff requested that National Grid produce EMF models for certain other possible locations of the replacement lines for the 1.5 mile portion of Segment 5 between existing structures 350 and 364. National Grid did so, and prepared an analysis of this modeling which included a number of options, including “Option C7”.² That option involves expanding the existing 100 foot-wide ROW width by 50 feet to the east into an existing National Grid easement for Mallory-Cicero 34.5 kV sub-transmission line. This provides space to shift the centerline of line 3 ten feet to the east and the centerline of line 10 twenty feet to the east of their existing locations (thus reducing the separation between the two transmission lines from 50 feet to 40 feet). It would result in reduced EMF levels on the west side of the transmission ROW by increasing the separation between the 115kV transmission line conductors and dwellings on that side. The Signatory Parties agreed to include in the Joint Proposal the proposal to use Option C7 between existing structures 350 and 364, and for National Grid to include in the EM&CP the need to obtain new transmission line construction and operational easement rights on the 50-foot wide corridor of land east of the existing 100 foot-wide transmission ROW in that section of the Project.

Additional Property Rights

The Project as reflected in the Joint Proposal would require the acquisition of the following real property rights:

- In the locations described in Appendix B of the Joint Proposal, the Project would require the acquisition of some additional permanent easement rights, predominantly on Segments 3, 4, 5, 6 and 7. With the exception of the new rights necessary in Segment 7 and those necessary to implement Option C7, the new rights will be acquired along the west side of the existing ROW and are small (up to 25 feet in width) and at discrete locations.
- Segment 7 would require the establishment of a new ROW; this would require the acquisition of a new 250-foot wide easement for approximately 0.54 miles and a new 50 foot wide easement for approximately 1.83 miles. The types of activities that would be permitted by these easements include transmission line construction, reconstruction and relocation; clearing and tree removal; ROW access; and other Project-related activities.
- To implement Option C7, the Project would need to obtain, from landowners of 29 parcels on the east side of the existing 100 foot-wide ROW, transmission line construction and operational easement rights over a 50-foot wide corridor of land for an approximately 1.5 mile section of Segment 5.
- Permanent easement rights to remove trees outside of the easement area that may pose a danger or hazard to Project facilities (“Danger Tree Rights”) would be required for portions of Segments 3, 4, 6 and 7.
- The acquisition, in fee, of the approximately 4 acre eastern portion of an approximately six (6) acre site owned by the Town of Cicero would be required for constructing and operating the Cicero Substation. This portion is currently used by the Town of Cicero Department of Public Works for offices, vehicle maintenance and parking, salt storage, gravel storage, metal/rubber/plastic storage, scrap appliance and scrap metal storage, and plow storage.

² See Exhibit 26 of the Evidentiary Record: September 2016 EMF Analysis (filed with the Commission on September 14, 2016). Option C7 is described in paragraph # 87 of the Joint Proposal and is shown on the Option C7 Aerials filed by National Grid on December 4, 2017.