

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 12-T-0502 - Proceeding on Motion of the Commission to Examine Alternating Current Transmission Upgrades.

NOTICE SOLICITING COMMENTS

(Issued February 7, 2013)

The Commission recently instituted this proceeding to solicit written public Statements of Intent from developers and transmission owners proposing alternative current (AC) transmission projects that will increase transfer capacity through the congested transmission corridor that includes the Central East and UPNY/SENY interfaces and meet the objectives of the Energy Highway Task Force Blueprint.<sup>1</sup> The Commission recognized that some projects will require review pursuant to Article VII of the Public Service Law and explained that Staff would develop procedural recommendations for managing further project-specific proceedings.

In order to implement the Commission's directives, Staff is proposing limited waivers and modifications to the Article VII regulations that will be applied in the Article VII review of any of the AC transmission proposals submitted on or before January 25, 2013, in response to the Order. The primary goal of the Staff proposal is to ensure that any such application contains pertinent information to assist the Commission to decide, in an expeditious manner, whether to grant a Certificate of Environmental Compatibility and Public Need. The rule changes being proposed would streamline the certification process by (1) avoiding the need for future applicants to seek case-specific routine waivers, and

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<sup>1</sup> Case 12-T-0502, Proceeding on Motion to Examine Alternating Current Transmission Upgrades, Order Instituting Proceeding (issued November 30, 2012) (the "Order").

(2) clarifying certain information requirements in the existing regulations.

NOTICE is hereby given that any parties wishing to comment on Staff's proposal may submit comments to the Secretary by e-filing through the Department's Document and Matter Management System (DMM),<sup>2</sup> or by e-mail to the Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov), on or before April 8, 2013. Early submission of comments is strongly encouraged. Parties unable to file electronically may mail or deliver their comments to Hon. Jeffrey C. Cohen, Acting Secretary of the New York State Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. A copy of Staff's proposed rule is attached. All comments submitted to the Secretary will be posted on the Commission's Web site and become part of the official case record.

(SIGNED)

JEFFREY C. COHEN  
Acting Secretary

Attachment

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<sup>2</sup> See [http://www.dps.ny.gov/DMM Registration.html](http://www.dps.ny.gov/DMM%20Registration.html); How to Register with DMM, <http://www.dps.ny.gov/e-file/registration.html>

Article VII Energy Highway Rule

In furtherance of the New York Energy Highway Task Force Blueprint, the Public Service Commission has solicited proposals for transmission projects that will increase transfer capacity in the electric transmission corridor that traverses the Mohawk Valley Region, the Capital Region, and the Lower Hudson Valley.<sup>1</sup> Proposals meeting the objectives of the Blueprint were due by January 25, 2013. A number of proposals were submitted by the deadline, several of which will require further review pursuant to Article VII of the Public Service Law. The purpose of this proposed rule is to specify modifications to the requirements of 16 NYCRR Subpart 85-2, and Parts 86 and 88 that will facilitate prompt review of those projects. The modifications established under this rule will apply in the Article VII review of any AC transmission project submitted on or before January 25, 2013 in the Energy Highway transmission expansion proceeding that will relieve congestion in the identified corridors.

Applications submitted for any such Energy Highway projects must comply with the provisions of §122 of the Public Service Law; 16 NYCRR Subpart 85-2; 16 NYCRR Part 86; and 16 NYCRR Part 88, with the following modifications and substitutions:

An application must provide the information required by Sections 86.3, 86.4, and 88.4(a)(4) except that:

The applicant may substitute recent edition topographic maps (at a scale of 1:24,000) for the New York State Department of Transportation maps specified in Section 86.3(a)(1). If the application is for the overhead portion of a transmission facility, such alternative maps must show the area for at least five miles on either side of the proposed centerline; if the application concerns an underground segment, the maps must show an area of at least one mile on either side of the proposed centerline. Applications for a subaquatic facility must utilize recent edition nautical charts (published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration) depicting the location of the proposed facility. Information required by 16 NYCRR 86.3(a)(1)(i)-(ii) must be represented on such maps.

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<sup>1</sup> Case 12-T-0502, Proceeding on Motion to Examine Alternating Current Transmission Upgrades, Order Instituting Proceeding (issued November 30, 2012).

The applicant need not meet the requirements of §86.3(a)(1)(iii), so long as the maps or charts submitted as Exhibit 2 show any geologic, historic, or scenic area, park, or wilderness listed, eligible, or nominated for listing on the state or national register of historic places within three miles on either side of the proposed centerline, for an overhead facility; or within one mile of the proposed centerline, for an underground or subaquatic segment.

The applicant may also substitute recent edition topographic maps (at a scale of 1:250,000) for the New York State Department of Transportation maps specified at §86.3(a)(2), so long as the maps show the relationship of the proposed facility to interconnected electric systems and the information required by §86.3(a)(2)(i)-(iv) is represented on the maps.

The applicant need not meet the requirements of 86.3(b)(2), so long as the aerial photographs submitted as Exhibit 2 reflect the current situation and specify the source and date of the photography.

For Exhibit 3, the applicant may use recent edition topographic maps (at a scale of 1:24,000) instead of the New York State Department of Transportation maps referenced at §86.4(b); if any alternative is subaquatic, the applicant shall use recent edition nautical charts (published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration) to show any alternative route considered.

An application must meet the requirements of 16 NYCRR Part 88, except that an application need not contain the information required by §88.4(a)(4), so long as it contains: (1) a system impact study or system reliability impact study, performed in accordance with the open access transmission tariff of the New York Independent System Operator, Inc. (NYISO); and (2) an indication as to whether the Operating Committee of the NYISO has approved the study.

In complying with 16 NYCRR §85-2.8, the applicant must include operating effects including: (a) noise of facilities and associated equipment, including: (1) for overhead transmission facilities, conductor noise due to corona effects; (2) noise associated with operation of terminal facilities including: (i) transformers; (ii) power converter facilities; and, (iii) substation facilities; (b) electromagnetic fields (1) estimates of electric field strength at facility centerline, and at offset

distances from the centerline to include areas at the edge of the proposed right-of-way.

In complying with 16 NYCRR §85-2.8, the applicant must also provide a discussion of the compatibility of the proposed facility with the goals and benefits to New York's ratepayers identified in the Blueprint, including:

- 1) congestion relief;
- 2) enhanced system reliability;
- 3) flexibility;
- 4) efficiency;
- 5) reduced environmental impact, including greenhouse gas emission reduction;
- 6) health impacts;
- 7) increased diversity in supply; and
- 8) long-term benefits in terms of job growth, development of efficient new generating resources at lower cost in upstate areas, and mitigation of reliability problems that may arise with expected generator retirements.

In complying with 16 NYCRR §85-2.8, the applicant must provide the development schedule for the proposed facility (including an estimate of the time needed to prepare and submit applications for any regulatory approvals necessary to begin construction).

In complying with 16 NYCRR §86.2, the applicant must include an e-mail address in providing its contact information; and for corporate applicants, identify whether the entity is incorporated under the Transportation Corporations Law.

In complying with 16 NYCRR §86.3(a)(2) the applicant must include a NYISO map showing the relationship of the proposed facility to the interconnected electric system.

In complying with 16 NYCRR §86.5, the applicant must include environmental impact analyses including an assessment of impacts on ecological, land use, cultural and visual resources; land use impacts should include noise analysis and analysis of consistency with existing, planned and proposed uses and adopted land use plans; and demonstrations of consistency with Coastal Zone policies, Local Waterfront Revitalization Programs, and designated Inland Waterway areas.

In complying with 16 NYCRR §86.8, the applicant must provide:

- 1) A statement describing its consultation with the municipalities or other local agencies whose procedural and substantive requirements are the subject of Exhibit 7 to determine whether the applicant has correctly identified all such requirements and to determine whether any potential request by the applicant that the Commission refuse to apply any such local substantive requirement could be obviated by design changes to the proposed facility, or otherwise;
- 2) An identification of the city, town, village, county, or State agency qualified by the Secretary of State that shall review and approve any applicable building plans, inspect the construction work, and certify compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing or building code; if no other arrangement can be made, the Department of State should be identified; the statement of identification shall include a description of any preliminary arrangement made between the applicant and the entity that shall perform the review, approval, inspection, and compliance certification, including arrangements made to pay for the costs thereof (including the costs for any consultant services necessary due to the complex nature of a component of the proposed facility);
- 3) A summary table of all local substantive requirements required to be identified pursuant to 16 NYCRR §86.8 in two columns (listing the provisions in the first column and a discussion or other showing demonstrating the degree of compliance with the substantive provision in the second column), together with copies of or links to all such local substantive requirements;
- 4) Zoning and flood zone maps with the project route location overlaid on the maps;
- 5) An identification of the zoning designation or classification of all lands constituting the site of the proposed facility and a statement of the language in the zoning ordinance or local law by which it is indicated that the proposed facility is a permitted use at the proposed site; if the language of the zoning ordinance or local law indicates that the proposed facility is a permitted use at the proposed site subject to the grant of a special exception, the applicant shall provide a statement of the criteria in the zoning ordinance or

- local law by which qualification for such a special exception is to be determined; and,
- 6) A list of all state approvals, consents, permits, certificates, or other conditions for the construction or operation of the proposed facility of a substantive nature, together with a statement that the facility as proposed conforms to all such state substantive requirements.

In complying with 16 NYCRR §86.10, the applicant must identify the general financial structure supporting the proposed facility and funding options (including whether the project would be supported by rates set under Commission jurisdiction, under the jurisdiction of the Federal Energy Regulatory Commission, or in another specified manner. In preparing the detailed cost estimate required by §86.10, the Applicant must provide estimates of the following items: cost of interconnection facilities, including the cost of all substation work associated with new and upgrading existing substations for bus work, breakers, transformers, control houses, and other necessary equipment. Work papers supporting all cost estimates must be provided with the application.