

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 09-E-0310 – In the Matter of the American Recovery and Reinvestment Act of 2009 – Utility Filings for New York Economic Stimulus.

CASE 09-M-0074 – In the Matter of Advance Metering Infrastructure.

NOTICE OF
DETERMINATION OF SIGNIFICANCE

(Issued July 17, 2009)

NOTICE is hereby given that the Public Service Commission as lead agency has determined that approval of requests by certain electric utilities¹ for ratepayer matching funds for projects that may be eligible for grant opportunities provided by the U.S. Department of Energy (DOE) through funds appropriated by the American Recovery and Reinvestment Act of 2009² will not have significant adverse impacts on the environment and an Environmental Impact Statement will not be prepared in connection with the potential action. This determination is made pursuant to Part 617 of the implementing regulations³ pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law.

The purpose of SEQRA and its implementing regulations is to incorporate consideration of environmental factors in the existing planning, review and decision-making processes of state, regional and local governmental agencies at the earliest possible time. To accomplish this goal, SEQRA requires that agencies determine

¹ The electric utilities that submitted requests for matching ratepayer funding are: Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York Inc./Orange and Rockland Utilities, Inc., Niagara Mohawk d/b/a National Grid, and New York State Electric & Gas Corporation/Rochester Gas and Electric Corporation. Pursuant to 6 NYCRR §617.6(a)(3), each utility submitted a completed Environmental Assessment Form (EAF).

² Public Law 111-5.

³ 6 NYCRR, Part 617.

whether the actions they are requested to approve may have a significant adverse impact on the environment, and, if it is determined that the actions may have a significant adverse impact, prepare or request the applicant to prepare an environmental impact statement. Other than our approval of the action proposed – approval of matching funding for utility stimulus projects – no additional State or local permits or approvals of this proposed action are required, and so a coordinated review under SEQRA is not needed, thus, we assume Lead Agency Status under SEQRA and conduct an environmental assessment. The action contemplated does not meet the definition of either Type 1 or Type 2 actions that are contained in 6 NYCRR §617.4, §617.5 and 16 NYCRR §7.2, so it is classified as an “unlisted action” as defined in 6 NYCRR, Section 617.2.

A review of the EAFs prepared regarding the action contemplated, and other supporting documentation, demonstrates that the action under consideration would likely induce some construction that would introduce new structures into the landscape, but most structures are expected to be of small scale and others will be installed at or on existing structures already in the landscape. Moreover, any facilities sited as a result of the action under consideration, would be subject to all local laws and ordinances. The other potential environmental effects of the proposals would be beneficial in the form of (A) reduced demand for electricity generated by the combustion of coal, oil and natural gas, resulting in emissions reductions; (B) emissions reductions which may result in decreased incidents of asthma and other respiratory diseases; and (C) increased economic development opportunities in the electric industry and in the related industries that will provide the equipment necessary for each proposed project.

The supporting documentation for this determination are the EAFs and the materials compiled as the “Express Terms” for the Notice of Proposed Rulemaking given pursuant to the State Administrative Procedure Act (SAPA). The EAFs will be retained in our files.

(SIGNED)

JACLYN A. BRILLING
Secretary