



**Department of  
Public Service**

**Public Service Commission**

**Audrey Zibelman**

Chair

**Patricia L. Acampora**

**Gregg C. Sayre**

**Diane X. Burman**

Commissioners

**Kimberly A. Harriman**

General Counsel

**Kathleen H. Burgess**

Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
[www.dps.ny.gov](http://www.dps.ny.gov)

June 24, 2016

Mr. Eric Miller  
Director, Business Development  
Invenergy LLC  
One South Wacker Drive, Suite 1800  
Chicago, IL 60606  
[emiller@invenergyllc.com](mailto:emiller@invenergyllc.com)

Re: Case 16-F-0328 - Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind and Solar Project Located in Lewis County.

Dear Mr. Miller:

This letter is to inform you that Staff of the New York State Department of Public Service ("DPS Staff") has reviewed the proposed Public Involvement Program Plan ("PIP Plan") for the proposed Number Three Wind LLC ("NTW or the Project"), an affiliate of Invenergy, filed on May 27, 2016, and find it to be inadequate in several areas.

In an effort to guide and assist you in preparing an adequate PIP Plan, DPS Staff has prepared some specific recommendations, which are outlined in Attachment A. DPS Staff believes that the application process can be streamlined if the Applicant develops a thorough Final PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide development of the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), NTW "shall within 30 days consider the measures recommended by DPS [Staff] and, in a final written Public Involvement Program plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program plan to incorporate the DPS [Staff] recommendation, or

Case 16-F-0328  
Number Three Wind Farm  
PIP Plan – DPS Staff Comments

provide a written explanation as to why [it] is not incorporating the DPS [Staff] recommendation.”

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at [lorna.gillings@dps.ny.gov](mailto:lorna.gillings@dps.ny.gov).

Sincerely,

*Lorna Gillings*

Lorna Gillings  
Consumer Advocacy and Education  
Office of Consumer Services

cc: (via e-mail) Kathleen H. Burgess, Secretary to the Commission  
Heather Behnke, Assistant Counsel, Office of General Counsel  
Erin O’Dell-Keller, Manager, Office of Consumer Services

## **General Comments**

1. DPS Staff recommends that the Applicant add the case number to the front cover page in the final PIP Plan.

## **Section 2 – Applicant and Project Description**

### **2.1: Company Profile**

1. In the third paragraph, the last line, fix the typographical error “20130” to 2030.
2. The description of Invenergy development projects does not indicate any prior solar energy project development. Revise the PIP Plan to provide an indication of the company’s experience, if any, in solar project development.

### **2.2: Project Summary**

1. The draft PIP Plan states “NTW anticipates the interconnection facilities will include an overhead 115-kV interconnection line approximately 5 miles long from a Project substation in the Project Area to a new 115-kV switchyard in the Town of Lowville.” DPS Staff notes that there are no electric transmission or major sub-transmission lines inside the boundaries of the proposed Project Area. NTW should revise the PIP Plan and explain whether the Project Area must be expanded to include an interconnection with the existing electric grid, whether a major electric transmission facility pursuant to Public Service Law Article VII is needed to accommodate the wind generating facility, or otherwise explain related Project facilities. (Note: the NYISO Queue dated 3/31/2016 indicates that the project -- at Queue Position 531 -- will interconnect to the Lowville-Bremen 115 kV circuit. The location of this circuit is east of the Village of Lowville and in a northerly orientation to the Bremen substation south of Croghan. The length of the line is entirely outside of the Project Area and partially outside of the Study Area.)

### **2.3: Project Area and Study Area**

1. DPS Staff recommends that the Project Area and the Study Area be defined in the final PIP Plan as needed to address the electric interconnection (as per comment regarding 2.2 above).

## **Section 3 – Public Involvement Program Overview**

### **3.1: PIP Goals**

1. The second bullet states that one of the goals of the PIP Plan is to “ensure stakeholders are aware of the Project”. The Applicant should include “and the general public” awareness as a goal of the Project PIP Plan”.

### **3.3: Stakeholder Involvement**

1. The list of “important Project milestones” warranting specific Stakeholder Notification should include a bullet for *Submittal of Compliance Filings*. DPS Staff recommends that final project design details and specific impact mitigation measures will be included in future Compliance Filings, pursuant to 16 NYCRR Part 1002. Consideration of these documents will include opportunities for stakeholder review and comment as specified in 16 NYCRR §§1001.2 (c) and (d).

### **Section 4 – Stakeholders**

1. In the first paragraph, the sixth line, the word “as” was left out of the sentence.
2. NTW should indicate that individuals or organizations can request to be added to the stakeholder list by regular mail and provide a mailing address.

### **4.9: Adjacent Municipalities**

1. The draft PIP Plan states “Towns, Villages, or other municipalities that are not host communities but are in the Study Area were identified by review of municipal boundary maps.” DPS Staff notes that neither the List of “Host Communities” nor “Adjacent Municipalities” in Appendix A (PIP pg. 16) includes the Village of Copenhagen, which directly abuts the proposed Project Area boundary (see PIP Figure 1). DPS Staff further notes that the Village of Lowville, which is located one mile from the Project Area boundary, is listed as a “Host Community.” The PIP Plan should be revised to more carefully identify municipal boundaries and the relation of the Project Area to these boundaries, and detail outreach and communication contacts, as well as strategies that include all host and adjacent and nearby municipal stakeholders.

### **4.14: Adjacent Landowners**

1. DPS Staff recommends that the draft PIP Plan be revised to expand the definition of “adjacent landowners.” DPS Staff recommends identifying adjacent landowners as landowners with property within 2,500 feet of a wind turbine, solar collector array, or substation, or within 500 feet of other Project components (e.g., collection lines, met tower, O&M facility, etc.), and any additional landowners whose homes are within 5,000 feet of a turbine.

2. DPS Staff recommends that NTW update the PIP Plan once the adjacent landowners have been identified.
3. The draft PIP states “NTW intends to develop a project layout during the summer of 2016, and will share it at outreach events with participating and adjacent landowners when it is available.” DPS Staff requests that NTW also provide project layout to Staff, when it is available.

## **Section 5 – Public Involvement Program Elements**

### **5.1: PIP Activities, Schedules, and Goals**

1. DPS Staff recommends that the two open houses that will be held should include different hours of the day to accommodate workers’ schedules and provide the best possible opportunity for working persons to attend.
2. Notification of the open house(s) should be made at least fourteen days before the event.
3. NTW should provide an estimated timeline when the open houses will be held.

### **5.2: Communications Tools**

1. NTW states the Invenergy has two representatives available to implement the PIP and answer questions from stakeholders but has no plan for a local project office at this time. DPS Staff recommends that NTW consider establishing a local Project office and provide in its Final PIP Plan, the location of the local Project office (if available) and clearly state the hours of operation when Project representatives will be available to the public. The Applicant should indicate how it will advertise the location and hours of the field office.
2. NTW states it will establish a user friendly website. NTW should provide a timeframe for the anticipated launch of the website. Also, if a separate website address is established for the Solar project, a link and brief description should be included on the Project website.
3. The Lowville Town Hall, Harrisburg Municipal Office and Lowville Free Library should be included in the Stakeholder list because they are Project-related document repositories.
4. The draft PIP Plan states that callers will receive responses within ten days of leaving a message on the toll-free number. DPS Staff notes that ten days is a long time for a caller to wait for a response. DPS Staff recommends that the response time be within five days.

## **Appendix A: Number Three Wind Farm Public Involvement Stakeholder List**

1. Contact persons should be established for those agencies without an individual listed, such as the Emergency Responders Group, U.S. Army Corps of Engineers, Duflo Airport, Copenhagen Volunteer Fire Department, Martinsburg Fire Department, NYS Police Troop D, and the utilities that do not have a contact name listed.
2. DPS Staff recommends the stakeholder list be updated to include Kathleen H. Burgess, Secretary to the Commission.

## **Specific Resources Not Identified In Draft PIP Plan**

PIP Plan Map Figure 1 indicates that portions of the Cobb Creek State Forest are included in the Project Area. Cobb Creek State Forest is one of eight separate NYS Forests included within the recently published *Tug Hill State Forest Unit Management Plan* (NYS DEC, 2015). (See attached Figures A and B)

1. The draft PIP Plan does not acknowledge that New York State lands are included within the Project Area as described and mapped in the PIP Plan at Figure 1. The Project appears to include the need to locate facilities within NYS Forest Lands in Lewis County, a Forest Preserve County. The PIP Plan should identify either that State Lands will be avoided in facility layout, or indicate the outreach strategy that will be followed to support gaining access to State Lands for location of facilities.
2. Furthermore, the NYS Forest Lands in and nearby to the Project Area are all managed by NYS DEC pursuant to the *Tug Hill North NYS Forest Lands Unit Management Plan*, by the NYS DEC Division of Lands and Forests, Region 6, 2015. The Unit Management Plans identify additional stakeholder groups that participated in development and review of those Plans. The list of Public Interest Groups should be revised to include conservation, recreational and other interest groups based on consideration of the Unit Management Plan.



Figure B

