NEW YORK STATE OF OPPORTUNITY.
Board on Electric Generation Siting and the Environment

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www.dps.ny.gov/SitingBoard

August 12, 2016

Honorable Jack Zigenfus
Supervisor, Town of Cohocton
PO Box 327
Cohocton, NY 14826

Re: Case 15-F-0122 – Application of Baron Winds, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 300 MW Wind Energy Project.

Dear Supervisor Zigenfus:

This is to inform you that Baron Winds, LLC has submitted a Preliminary Scoping Statement to the New York State Board on Electric Generation Siting and the Environment (Siting Board) regarding its proposal to construct and operate a 300 megawatt facility in the Towns of Cohocton, Avoca, Dansville, Fremont, Howard and Wayland, in Steuben County. The filing triggers the need to appoint ad hoc public members to the Siting Board to participate in the review of the proposed facility.

As the Supervisor of the Town of Cohocton, you have the duty to nominate four candidates to potentially serve as ad hoc public members of the Siting Board. The chief executive officers of the Towns of Avoca, Dansville, Fremont, Howard and Wayland, and Steuben County also have a duty to nominate four candidates. Your nominations must be submitted to the President Pro Tem of the Senate and the Speaker of the Assembly within fifteen days of receipt by you of notification from the applicant of the pre-application Preliminary Scoping Statement. I understand that you have already received that notification and therefore action by you is required now to comply with the fifteen day time period.

Your nominations should be submitted directly to the President Pro Tem of the Senate and the Speaker of the Assembly, but I would appreciate it if you would inform me of the list of candidates you have nominated as soon as you have made your decision.

Attached to this letter is a fact sheet about the Siting Board and the ad hoc public members that may be useful to you. You may also obtain more information about the Siting Board and Case 15-F-0122 at: http://www.dps.ny.gov/SitingBoard/.

Please contact me if I can be of any further assistance.

Sincerely,

Audrey Zibelman
Chair

Enclosure

SITING BOARD FACT SHEET

Q. What is Article 10?

A. "Article 10" was enacted in 2011 to be a portion of the New York State Public Service Law. It is a general state law that is applicable in all of New York State. Article 10 empowers the New York State Board on Electric Generation Siting and the Environment (Siting Board) to issue Certificates of Environmental Compatibility and Public Need (Certificate) authorizing the construction and operation of major electric generating facilities.

Q. What is the "Siting Board"?

A. The Siting Board is a governmental entity of New York State organized within the Department of Public Service. The Siting Board was established primarily to review applications and to issue certificates authorizing the construction and operation of major electric generating facilities. When the Siting Board is reviewing an original application for a certificate, it consists of five permanent members and two ad hoc public members. The five permanent members of the Siting Board also have additional responsibilities to promulgate regulations for the implementation of Article 10, and they have jurisdiction with respect to the amendment, suspension or revocation of a certificate.

Q. Who are the permanent members of the Siting Board?

A. The five permanent members of the Siting Board are the Chair of the Department of Public Service who serves as chair of the Siting Board; the Commissioner of the Department of Environmental Conservation; the Commissioner of the Department of Health; the Chair of the New York State Energy Research and Development Authority; and the Commissioner of Economic Development. The permanent members may designate an alternate to serve instead of the member with respect to all proceedings provided that such designation is in writing and filed with the chairperson.

Q. What is meant by the term "ad hoc"?

A. "Ad hoc" is a Latin term meaning "for this special purpose." Two ad hoc members will be appointed for the special purpose of providing a local voice in each proceeding conducted to consider specific individual applications for certificates. Each facility application will have its own unique ad hoc members and therefore its own unique Siting Board.

Q. Do ad hoc public members receive any compensation for their service on the Siting Board?

A. Yes. The ad hoc appointees shall receive the sum of two hundred dollars for each day in which they are actually engaged in the performance of their duties plus actual and necessary expenses incurred by them in the performance of such duties.

Q. What are the qualifications to be an ad hoc public member?

A. To be eligible to be an ad hoc public member, the person must:

(a) be eighteen years of age or older,

(b) be a citizen of the United States;

(c) be a resident of New York State;

(d) be a resident of the municipality in which the facility is proposed to be located (if such facility is proposed to be located within the City of New York, the person must also be a resident of the community district in which the facility is proposed to be located);

(e) not hold another state or local office; and

(f) not retain or hold any official relation to, or any securities of an electric utility corporation operating in the state or proposed for operation in the state, any affiliate thereof or any other company, firm, partnership, corporation, association or joint-stock association that may appear before the Siting Board, nor shall the person have been a director, officer or, within the previous ten years, an employee thereof.

Q. How are the two ad hoc public members designated to serve on the Siting Board?

A. One is appointed by the President Pro Tem of the New York State Senate and one is appointed by the Speaker of the New York State Assembly from a list of candidates submitted to them. The list of candidates is to be submitted within fifteen days of receipt of notification of the pre-application preliminary scoping statement. In the event that the President Pro Tem of the Senate or the Speaker of the Assembly does not appoint one of the candidates within thirty days of receiving the list, the Governor shall appoint the ad hoc member(s) from the list of candidates. In the event that one or both of the ad hoc public members have not been appointed within forty-five days, a majority of persons named to the Siting Board shall constitute a quorum.

Q. How is the list of ad hoc public member candidates established?

A. There is a different procedure depending on whether the facility is proposed to be located (a) in the City of New York; (b) in a town outside of any villages or in a city other than the City of New York; or (c) in a village.

Q. How is the list of candidates established in the City of New York?

A. If such facility is proposed to be located in the City of New York, the chair person of the community board, the borough president, and the mayor shall each nominate four candidates for consideration.

Q. How is the list of candidates established in a town outside of any villages or in a city other than the City of New York?

A. If such facility is proposed to be located in a town outside of any villages or in a city other than the City of New York, the chief executive officer representing the municipality shall nominate four candidates and the chief executive officer representing the county shall nominate four candidates for consideration.

Q. How is the list of candidates established in a village?

A. If such facility is proposed to be located in a village, the chief executive officer representing the town shall nominate four candidates, the chief executive officer representing the county shall nominate four candidates, and the chief executive officer representing the village shall nominate four candidates for consideration.

Q. What resources are available to assist the Siting Board?

A. The chairperson shall provide such personnel, hearing examiners, subordinates and employees and such legal, technological, scientific, engineering and other services and such meeting rooms, hearing rooms and other facilities as may be required in proceedings under this article. The Department of Environmental Conservation shall provide associate hearing examiners. The Secretary and the General Counsel to the Public Service Commission serve as Secretary and the General Counsel to the Siting Board.