

## The Dax Law Firm, P.C.

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September 29, 2016

Via Electronic Mail [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

Hon. Kathleen H. Burgess, Secretary to the Commission  
New York State Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, New York 12223-1350

Re: Case 15-F-0377 – Application of Bull Run Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Project

### NOTICE OF COMMENCEMENT OF STIPULATION CONSULTATIONS

Dear Secretary Burgess:

Pursuant to regulations of the Board on Electric Generation Siting and the Environment, (16 NYCRR 1000.5[j]) and Public Service Law § 163(5), Bull Run Energy LLC (Bull Run Energy) is providing this notice of its intention to commence the negotiation of stipulations concerning the contents of the application for a Certificate of Environmental Compatibility and Public Need it intends to file on or about March 1, 2017.

On July 27, 2016, Bull Run Energy made available to the public and State agencies and affected municipalities a Preliminary Scoping Statement (PSS) prepared pursuant to PSL § 163 and 16 NYCRR 1000.5. Comments on the PSS were submitted on behalf of the Department of Public Service, Department of Environmental Conservation, Department of Health, the Towns of Altona, Clinton, Ellenburg and Mooers, and United States Fish and Wildlife Service. On September 23, 2016, Bull Run Energy filed with the Siting Board and served on the active parties its revised PSS, including a revised Noise Impact Assessment Protocol and its response to the comments. Paper copies of the same documents are being mailed to the entities identified in 16 NYCRR 1000.5(c). The revised PSS and the accompanying Noise Impact Assessment Protocol provide the substance of the stipulations Bull Run Energy will propose to the parties.

Bull Run Energy proposes that the negotiation process start with a telephone conference to be held on **Wednesday, October 12 at 10:00 a.m. or 2:00 p.m.** The agenda for the telephone conference we propose is:

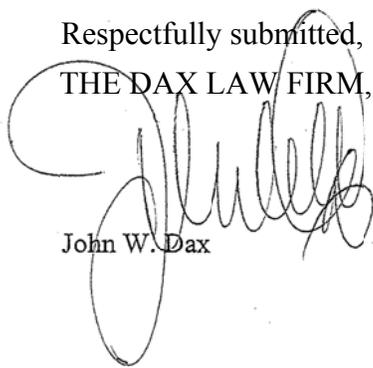
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1. Identification of parties intending to participate.
2. Process matters: meetings by phone or in person; method for circulation of drafts.
3. Identification of exhibits to be the subject of stipulations.
4. Identification of exhibits, if any, for which parties accept the revised PSS without further discussion.
5. Schedule and milestones for the stipulation process.

Parties intending to participate should indicate their availability for one or both of the indicated times by email to [jdax@daxlawfirm.com](mailto:jdax@daxlawfirm.com) or by calling (518) 432-1002.

Respectfully submitted,

THE DAX LAW FIRM, P.C.



John W. Dax

JWD:Imd

cc (via email): Kevin J. Casutto, Administrative Law Judge, NYSDPS  
Maria E. Villa, Administrative Law Judge, NYSDEC  
Active Parties