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

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www.dps.ny.gov/SitingBoard

May 15, 2015

Honorable Charles Harmon
Supervisor, Town of Avoca
P.O. Box 468
Avoca, NY 14809

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 Harmon:

Article 10 of the Public Service Law empowers the New York State Board on Electric Generation Siting and the Environment (Siting Board) to issue Certificates of Environmental Compatibility and Public Need authorizing the construction and operation of major electric generating facilities.

The Siting Board has opened Case 15-F-0122 to track a possible future application by Baron Winds LLC for a certificate to construct and operate a 300 megawatt facility in the Towns of Avoca, Cohocton, Dansville, Fremont, Hornellsville, Howard, and Wayland, Steuben County. If the application is submitted, two ad hoc public members will be appointed to the Siting Board for the purpose of providing a local voice in the review of the project and decision on the application.

Article 10 requires you, as the Supervisor of the Town of Avoca, to nominate four candidates to serve as the ad hoc public members. Nominations are to be made after an applicant has filed a Preliminary Scoping Statement (PSS) with the Siting Board. If the project proceeds, you will receive notice from Baron Winds LLC of that filing. Public Service Law §161(2) requires you to submit your nominations to the President Pro Tem of the Senate and the Speaker of the Assembly within fifteen days of your receipt of that notification.

While no action is required of you at this time, you may wish to familiarize yourself with the nomination process and begin considering candidates, so that you will be

prepared to act within the fifteen day time period if and when Baron Winds LLC files a PSS. Based on the Article 10 regulations, an applicant must wait a minimum of 150 days after filing its Public Involvement Plan before it may submit a PSS. In this case, the earliest date Baron Winds LLC may file a PSS is July 27, 2015.

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,

Kathleen H. Burgess
Secretary

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.