

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

Writer's Direct Dial Number: 585.445.2726
Writer's Direct Fax Number: 585.445.2626
Email: jgoldman@woodsoviatt.com

woodsoviatt.com

April 16, 2015

RECEIVED
EXECUTIVE
PUBLIC SERVICE
COMMISSION
ALBANY
2015 APR 21 AM 11:01

Honorable Kathleen H. Burgess
Secretary of the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, New York 12223

**Re: Baron Winds Project, Steuben County, New York
Case 15-F-0122**

Dear Ms. Burgess:

This office represents James Gross, the owner of approximately 233 acres located at 963 Purdy Hill Road, Town of Hartsville, Steuben County, New York, with tax account number 213.00-01-043.00 (the "property"). The property is within the identified "Project Area" as shown in the proposed Public Involvement Program plan ("PIP") for the Baron Winds Project (the "project") submitted on behalf of EverPower Wind Holdings, Inc. (the "applicant") in February 2015.

We are aware that the Baron Winds Project seeks to establish a large wind farm in Steuben County. We also understand that the applicant may undertake a separate but related project to construct a new 9-mile 230 kV transmission line connecting the Baron Winds Project with an existing NYSEG transmission line. We have conducted preliminary research on the proposed electrical generation facilities and the relevant approval processes under N.Y. Public Service Law Articles 10 and VII. We applaud the New York State Department of Public Service's close involvement with the project and responses to the applicant's proposed PIP under Article 10 jurisdiction.

It is our client's intention that his property not be affected by the Baron Winds Project or the future transmission line. Our client does not take a position with regard to the overall development of wind electrical generation facilities in Steuben County. Our client does not, however, want any part of the project to encroach on his property or otherwise affect his pristine rural camp environment in any way. Logistically, our client's property is at the far southern end of the thousands of acres initially defined as the project area in the PIP, and impacts can be avoided without harm to any proposed wind generation facilities. Our client intends to vigorously defend his rights to the beneficial use and enjoyment of his property.



REPORT OF THE
COMMISSIONER
Page 3

The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
Your obedient servant,
Commissioner

Very truly yours,

W. H. CHASE

W. H. CHASE

W. H. CHASE

Honorable Kathleen H. Burgess
April 16, 2015
Page 2

We will continue to monitor the approval processes under Article 10 and Article VII, as well as related governmental approvals. As part of the approval processes, we will also review and scrutinize the potential environmental issues related to this project and look to a full review under the State Environmental Quality Review Act. Our client's involvement will be minimized, if not terminated, should his property and the surrounding environs be removed from the Project Area.

Please keep our office, as well as our client (address below) informed of all project updates and developments. The exact location of the proposed wind farm and potential 9-mile electrical transmission line was not shown in the proposed PIP, which the Department of Public Service noted in its response letter to the applicant. In the first instance, we request that any revisions to the PIP clarifying the location of the project and any other updates be sent to this office, with a copy to our client.

Thank you for your attention in this important matter. If you have any questions or wish to discuss the project, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

Please direct responses to Rochester Office

JAG/dfb

cc: Mr. James Gross

Heather P. Behnke, Esq.
NYS DPS, Staff Counsel

Mr. James Denn
NYS DPS, Public Information Coordinator

Hon. Michael T. Mohleisen
Town of Hartsville Supervisor

Hon. Thomas F. O'Mara
NYS Senator, 58th Senate District

Honorable Kathleen H. Burgess
April 16, 2015
Page 3

Hon. Philip A. Palmesano
NYS Assembly Member, Assembly District 132

James A. Muscato, Esq.
Young & Sommer LLC, Counsel for Baron Winds LLC