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July 23, 2015

Mr. Eric Miller
Project Developer
Invenergy
One South Wacker Drive, Suite 1800
Chicago, IL 60606
emiller@invenergyllc.com

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 300 MW Wind Energy Project.

Dear Mr. Miller:

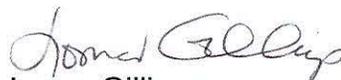
This letter is to inform you that Staff of the New York State Department of Public Service ("DPS Staff") has reviewed the proposed Public Involvement Program Plan ("PIP Plan") for the proposed Bull Run Wind Farm ("Bull Run" or the "Applicant") filed on June 24, 2015, and has found it to be inadequate in several areas.

In an effort to guide and assist you in preparing an adequate PIP Plan, DPS Staff has prepared specific recommendations, which are outlined in the attachment to this letter. DPS Staff believes that the application process will be streamlined if the Applicant develops a thorough 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), Bull Run "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 provide written explanation as to why it decided not to incorporate the 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.

Sincerely,



Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

Cc (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Graham Jesmer, Office of General Counsel
Erin O'Dell-Keller, Office of Consumer Services

Staff Comments on PIP Plan for Case 15-F-0377

Section 1: Introduction

1. On the cover page, the Applicant describes the location of the Wind Farm as Clinton County. Staff recommends that Applicant add the towns within Clinton County where it is proposing the Wind Farm be located.
2. On the cover page of the PIP Plan, the Applicant describes the name of the project as Bull Run Wind Farm and also Bull Run Wind Energy Center. Staff recommends the use of one project name throughout the PIP for consistency.
3. The Applicant, Bull Run Energy LLC refers to itself as “the Applicant” and does so throughout the PIP; however, in section 2.1 the Applicant refers to itself as “BRE.” The Applicant should be consistent in how it refers to itself.

Section 2: Applicant and Project Description

2.1 - Company Profile

1. Applicant information should include a statement on where Bull Run Energy and Invenergy are respectively headquartered.
2. The first reference to the New York Power Authority should include the acronym “NYPA” as NYPA is referred to later on in the PIP.
3. The word “to” needs to be inserted before “the New York Power Authority.”

2.2 - Project Summary

1. The description states that the project will include a 230-kV switchyard and overhead 230-kV interconnection line approximately four miles long. The PIP Plan should explain that this transmission line will be subject to Public Service Law Article VII, rather than the Article 10 process; and that the transmission line is considered a “related facility.”
2. The PIP Plan should include a statement of the Applicant’s intent as to the timing of the permitting processes for the Wind Project and the Transmission Line. The Applicant should consider integrating or combining outreach for the overall project, including both generating and transmission facilities, and describe outreach efforts that will be used to address the overall Project development.
3. Outreach efforts, and development of information for the Preliminary Scoping Statement, should include information regarding construction and operation of

both component facilities as findings regarding cumulative impact assessments are required by Article 10, PSL §168.2.

2.3 - Project Area and Study Area

1. The Study Area should be extended as appropriate to address impacts that may be cumulative with other wind energy projects in the Clinton – Franklin County vicinity of the proposed Project Study Area. Studies should address a larger area, such as visual impact on Adirondack Park mountain-top location at Lyon Mountain as was assessed in the Environmental Impact Studies for the Noble Environmental Power wind projects in Clinton, Ellenburg, Chateaugay, and Altona, as well as the Marble River Project immediately adjoining the Bull Run Project Area.
2. The PIP Plan indicates that the Study Area will be confined to the areas within the United States (U.S.). However, the Study Area should not be truncated at the U.S.-Canada border. Consideration of visual, historic and other resources, as well as appropriate Stakeholders, should be identified within the 5 mile distance zone regardless of the location of the State boundary.

Section 3: Identification of Stakeholders

3.1 - Stakeholder Groups

1. When describing its methodology to identify Stakeholders, the Applicant indicates that “it will adjust the stakeholder list to remove parties that express little to no interest in the Project...” It is not, however, incumbent on the stakeholder to “express interest” to remain a stakeholder. The Applicant should not remove an identified stakeholder from its list unless expressly asked to do so.
2. The Applicant noted that it would add new Stakeholders that contact the Applicant. In what way will the Applicant proactively provide opportunities for this type of contact – i.e. collect physical/email addresses through the project website, sign-in sheets at outreach events, toll-free number, etc.? Outreach materials developed for the project should indicate how an interested party can join the project stakeholder/contact list.
3. As noted in Section 2.3, there are additional wind energy projects in the Franklin-Clinton County area. A group should be organized that includes the host municipalities/Stakeholders for these projects so they can be kept informed of project developments and participate in consultations regarding potential cumulative impacts. Specific organizations/ Stakeholders are identified in Staff comments regarding Appendix A.

4. Host Communities – The Applicant should clarify what is meant by “legislative bodies,” i.e. does this include local Supervisors/Executives and all board members?
5. Highway Departments/Fire Departments – The description indicates that the Applicant will include these departments within the Project Area. Staff recommends that this list be expanded to include the entire Study Area. Section 16 NYCRR 1001.15(f) requires maps and analysis showing various resources in the Study Area including emergency response resources and facilities including police, fire and emergency medical response facilities and plans, emergency communications facilities, etc. The County Emergency Response Coordinator should also be contacted.
6. Adjacent Municipalities – The Applicant noted that all municipalities in the Study Area were also host communities. However, as noted above, the five mile Study Area should not stop at the U.S. border and “Adjacent Municipalities” should include the Province of Quebec. Also, it is unclear from Figure 2, but it appears that the Study Area extends to Franklin County and the Town of Chateaugay and as such, they should also be included on the list of Adjacent Municipalities.
7. Public Interest Groups—*The Applicant notes that it will identify public interest organizations within the Project Area. This should be extended to the Study Area and include environmental organizations. The Applicant should also include business organizations here (or in its own grouping).*

3.3 - Landowners Participating in the Project

1. Adjacent landowners are not identified as Stakeholders in the PIP Plan. Staff recommends that the Stakeholders list be updated to include adjacent landowners as potential Stakeholders. Even if the landowners are not known at this stage, the Applicant should indicate the methodology it plans to use to identify them as locations of project components are identified.

Section: 4 Environmental Justice Areas

1. The acronym “NYSDEC” needs to be spelled out as this is the first use of the word in the PIP Plan.
2. The last bullet on page 6 reads “This area is Clinton County....” The sentence should read “This area is in Clinton County....”

Section 6: Public Involvement Plan

1. The PIP Plan's stated objectives should be expanded to include engagement with Stakeholders to understand the interests of various Stakeholders as they relate to the proposed Project. The Applicant's plan should be seeking specific objective information that will inform the Preliminary Scoping Statement, specifying detailed study plans to advance development of an Application.
2. The PIP Plan should extend through the length of the Article 10 process – including the phases that occur after the submittal of the Preliminary Scoping Statement (PSS). As written, the PIP Plan only identifies activities leading up to the development of the PSS. Staff recommends including activities/plans for all phases in this PIP Plan, providing a description of the materials that will be developed (with the topics that will be discussed) and how they will be distributed, as well as information on the activities it anticipates conducting throughout the length of the project with an estimated schedule and timeline of events in relation to the project milestones.

6.1 - Project Representatives and Toll-Free Number

1. It is unclear who the local representatives work for – Bull Run or Invenergy.
2. The Applicant states that it maintains a toll free number but did not provide the phone number. Staff recommends that this information be provided in the PIP Plan.
3. Also, the Applicant should identify how this contact information will be shared with Stakeholders and local residents.

6.2 - Local Office

1. The Applicant indicated that it will have regular hours Tuesday and Thursday and that hours will be adjusted to match community interest. Staff recommends that the Applicant define "regular hours" so it is clear when your representatives will be available to the public.

6.3 - Website

Staff recommends the following:

1. The Applicant indicates that it's in the process of establishing a user friendly website. Staff recommends that the PIP Plan reflect an estimated timeframe when the website will be fully functional.

2. The Applicant contact information should include a physical mailing address as well as an email address. The contact information should include instructions and/or a link for becoming part of the project contact/ mailing list.
3. The Applicant indicates the project website will inform the public of the address of the local repositories. Staff recommends that the repositories address and location be included in the PIP Plan. Given that the office is in the Town of Ellenburg, the Applicant should consider additional document repository locations in other portions of the project/ study area.
4. The Applicant should ensure that all publications and/ or educational materials mailed to Stakeholder are also available on the website.
5. The Applicant should provide key milestone dates/ timeline for the project, as well as a schedule for public outreach events. The outreach information should describe the purpose/ goal of outreach and identify activities that are planned to encourage participation.
6. The website should include copies of the project tracking report as described in Staff comments regarding Section 6.9 PIP Documentation.

6.4 - Stakeholder Consultations

1. The Applicant notes that it will “solicit and document” stakeholder concerns but does not indicate how this documentation will be accomplished. This statement should reference section 6.9 PIP Documentation.
2. The tentative schedule for consultations is Appendix B, not A as noted.

6.5 - Town Board Meetings

1. Although the schedule for these meetings is noted in Appendix B, the Applicant should provide the tentative schedule here. Again, the dates of the meetings, a list of topics discussed, a summary of the comments received and the actions taken by the Applicant should be captured in the tracking document described in Section 6.9.

6.6 Open House

1. The Applicant states it intends to hold an Open House; however, a location has not been selected yet. Although a location is not yet determined, the PIP Plan should also provide the following information:
 - a. Identification of the times when the events will occur (weekday, weekend, afternoon, or evening).
 - b. Provide the names of the newspapers it plans on advertising the dates and locations of its public open house.
2. Staff recommends that the Applicant consider holding more than one Open House to accommodate schedules of municipal officials, residents and non-residents who may not be able to attend the single Open House identified by the PIP Plan.
3. The notice announcing the Open House date(s) must be provided to all Stakeholders, not just residents within the Study Area.

6.7 - Notifications

1. Staff recommends that the Applicant provide notice in newspapers of record for host and adjacent municipalities, as well as newspapers of general circulation in the area.
2. The Applicant should spell out the acronym "PSC" the first time it is used.

6.8 - PIP Schedule

1. As noted above, the PIP Plan should extend through the length of the Article 10 process – including the phases that occur after the submittal of the Preliminary Scoping Statement.

6.9 - PIP Documentation

1. The Applicant states it will maintain a log of activities. Staff recommends the Applicant develop a monthly or bi-monthly spreadsheet style tracking report that identifies PIP Plan activities conducted by the Applicant for the preceding time period, providing summaries of feedback received in such activities and summaries describing any actions taken by the Applicant in response to such feedback. The report should be written in a manner that makes it easy to track the Applicant's progress towards achieving its public involvement goals. The reports should be posted on its website and filed with the Secretary to the

Commission for posting in the case file. The PIP Plan should include a tracking log identifying activities that have been performed to date.

Figure 2: Project area and Study area

1. The map should have local road names added, particularly for roads that define boundaries of the Project Area.

Appendix A

1. The Table should include a footnote identifying what is meant by “Affected Agency.”
2. There is no “Conservation” category in section 3.1. The Applicant should rename this category as “Public Interest Group” or create a new category.
3. The State Senate and Assembly representatives should be identified – not just the district.
4. The table should also include the contact information for the identified Stakeholder.
5. Staff recommends that the Stakeholder list be updated to include the following:
 - a. NYS Division of Homeland Security & Emergency Services
 - b. NYS Department of State
 - c. Clinton County District 2 Legislator(s) representing the areas for the proposed wind farm project
 - d. Document repositories
6. The Applicant should include any additional highway and fire departments and emergency responders in the Study Area that were not previously identified.
7. While Marble River LLC, owner of the Marble River Wind Farm is identified as a potential stakeholder, other adjacent wind farm owners in the Study Area should be identified as well. Noble Environmental Power facilities in Clinton, Ellenburg and Altona are located in close proximity to the Bull Run Project Area.
8. Also, EDPR is in early development of the Jericho Rise wind energy project in areas adjoining the proposed Bull Run Study Area. There is a potential need for additional cumulative impacts from these two projects to be assessed in environmental analysis in siting processes. The host municipalities for the Jericho Rise project should be included in Stakeholder list and Consultation

Schedule. Please add Franklin County, Town of Bellmore and Town of Chateaugay (and the applicable representatives).

Appendix B

1. As noted above, the stakeholder consultation schedule should be updated to reflect the additional stakeholders as per Staff recommendations.