

Young / Sommer LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
J. MICHAEL NAUGHTON
ROBERT A. PANASCI
DEAN S. SOMMER
KEVIN M. YOUNG

LAURA K. BOMYEA
E. HYDE CLARKE
JESSICA ANSERT KLAMI
ALLYSON M. PHILLIPS
KRISTIN LAVIOLETTE PRATT
JESSICA R. VIGARS

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

SENIOR COUNSEL
MICHAEL J. MOORE
KENNETH S. RITZENBERG
DOUGLAS H. WARD

OF COUNSEL
SUE H.R. ADLER
ELIZABETH M. MORSS
SCOTT P. OLSON
STEPHEN C. PRUDENTE
KRISTIN CARTER ROWE

PARALEGALS
ALLYSSA T. MOODY
AMY S. YOUNG

Writer's Telephone Extension: 243
jmuscato@youngsommer.com

October 12, 2016

Via Email to secretary@dps.ny.gov

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

Re: Case No. 15-F-0122: Application of Baron Winds LLC, for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Major Electric Generating Facility in the Towns of Avoca, Cohocton, Dansville, Fremont, Howard, and Wayland, County of Steuben, New York

Dear Secretary Burgess:

Baron Winds LLC ("Baron Winds" or "Applicant") filed a Preliminary Scoping Statement ("PSS") in accordance with Public Service Law § 163 and § 1000.5 of the Siting Board's rules (16 NYCRR 1000.5) on August 10, 2016. Thereafter comments to the PSS were filed and on September 30, 2016 Baron Winds filed its summary of material comments and its reply thereto. On October 5, 2016, a pre-application conference to consider intervenor funding requests was held and the scoping stipulations process was ordered to be commenced. Stipulations are intended to reflect agreements between the Applicant and any of the parties regarding any aspect of the PSS and the methodology or scope of any study or program of studies made or to be made in support of and included with the Application. Stipulations aid the Article 10 process by ensuring that the Application submitted is complete and narrows the potential issues to be heard during the hearing phase of the Article 10 process.

Now, pursuant to PSL §163(5) and §1000.5(j) of the Siting Board's rules, Baron Winds is providing an invitation to the parties to discuss potential stipulations. Baron Winds requests that any party seeking to participate in the stipulations process notify the undersigned by October 20, 2016 by emailing James Muscato at jmuscato@youngsommer.com and indicating their intent to participate.

In order to facilitate the process, Baron Winds will circulate a draft of proposed stipulations in Microsoft Word and pdf format by email on October 21, 2016 to those parties which have notified the Applicant that they wish to participate in the stipulations process. The draft stipulations will be based, in part, on the comments received from the parties and public on the PSS. If the parties participating in the stipulation process have comments on the draft stipulations, the Applicant requests that they be emailed to Mr. Muscato in tracked change Microsoft Word format by November 11, 2016.

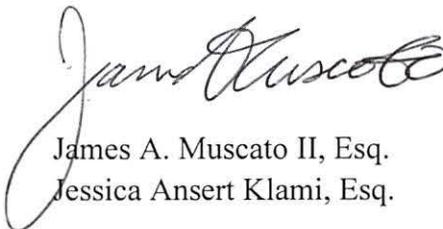
Following receipt of the party's comments on the stipulations, the Applicant anticipates revising stipulations and arranging to discuss comments and revisions with any of the parties participating in the stipulation process as needed to finalize agreement on the stipulations. Baron Winds will then circulate subsequent draft stipulations for the parties participating in the stipulations process to review. Barons Winds anticipates completing negotiations with the parties and circulating the proposed "final" draft stipulations by mid-January, 2017.

Following agreement on stipulations, Baron Winds will submit the proposed stipulations pursuant to 16 NYCRR 1000.5(j) which will initiate a public comment period, which the Applicant requests be 21-days. Execution of stipulations will follow the public comment period.

If any of the parties participating in stipulations have comments, questions or concerns with the schedule or process for stipulations outlined above, please provide those comments along with the notice of intention to participate in the stipulations process.

Thank you.

Respectfully submitted,



James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.

cc: Party List