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Three Empire State Plaza, Albany, NY 12223-1350  
www.dps.ny.gov

February 29, 2016

Mr. Ryan Pumford  
Project Developer  
Eight Point Wind, LLC  
700 Universe Boulevard  
Juno Beach, Florida 33408  
[Ryan.Pumford@nexteraenergy.com](mailto:Ryan.Pumford@nexteraenergy.com)

Re: Case 16-F-0062 - Application of Eight Point Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 103.4 MW Wind Energy Project.

Dear Mr. Pumford:

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 Eight Point Wind Farm ("the Project") filed on January 29, 2016 by Eight Point Wind, LLC (the "Applicant"), and find 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 some specific recommendations, which are outlined in the Attachment A that follows. DPS Staff believes that the application process can be streamlined if the Applicant develops a thorough Final 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), Eight Point Wind "shall within 30 days consider the measures recommended by DPS Staff and, in 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

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PIP Plan – DPS Staff Comments

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](mailto:lorna.gillings@dps.ny.gov).

Sincerely,

A handwritten signature in black ink that reads "Lorna E. Gillings". The signature is written in a cursive style with a large initial "L" and "G".

Lorna Gillings  
Consumer Advocacy and Education  
Office of Consumer Services

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

### **Cover**

1. On the cover page, the Applicant should indicate the case number, 16-F-0062.

## **Section 2.0: Applicant and Project Description**

### **2.2 - Project Summary**

1. The Applicant indicates that the project will include a switchyard adjacent to NYSEG's Bennett Substation and a 9 mile interconnection line. However, there is no description of the location of the substation and proposed adjacent switchyard, or the proposed line. The substation is included in the figures, but should be described in the text as well. The Applicant should clarify that the existing Bennett Substation and the location of the proposed adjacent switchyard are outside of the municipal boundary of the City of Hornell.
2. The Final PIP Plan should provide an estimated number of temporary and permanent local employment opportunities that will be generated by construction and operation of the project. In addition, for temporary local employment opportunities that will be generated during project construction, the Final PIP Plan should indicate the estimated duration of employment.
3. The proposed PIP Plan states that "the Project is estimated to provide more than \$31 million in property taxes to local governments..." The text should specify the applicable time period for estimated tax payments – provide annual payment amount, or specify lifetime of project and total estimated lifetime payments.

### **2.3 - Project Area and Study Area**

1. The proposed PIP Plan indicates that the Study Area includes 324,510 acres of land. Clarify in the Final PIP Plan whether this amount includes the 98,000 acres in the Project Area?

## **Section 3.0: Public Involvement Program Overview**

### **3.1 - PIP Goals**

1. There appear to be words missing from the sentence that starts with "developed this PIP to ensure..." The Applicant include the entirety of this paragraph in the Final PIP Plan.
2. In the fourth bullet, the Applicant notes that a goal is to understand stakeholder interests. This should be expanded or rephrased in a way that indicates that the Applicant will provide opportunities for public involvement and will work with the stakeholders to address their interests/concerns, i.e. issues identified will be taken into account as the project moves forward.

## **Section 4.0: Stakeholders**

### **4.1 - Host Communities**

1. It is impractical to assume that Town Supervisors and the County Administrator will serve as Point of Contacts for their respective boards without obtaining prior authorization. The Applicant should add the Town/County clerks to the stakeholder list, as well as the clerks for the respective boards/legislatures to ensure proper dissemination of notices.

### **4.10 - Utilities**

1. Identified utilities do not include owners/operators of major gas transmission infrastructure in the Project Area. Pipeline companies should be contacted regarding location of facilities, design standards for construction near existing infrastructure, facility design and safety considerations. Gas transmission pipelines in the Project Area include:
  - o Columbia Gas Transmission, LLC
  - o Dominion Transmission, Inc.
  - o NFG Supply Corp.
  - o Tennessee Gas Pipeline Co.
  - o Wyckoff Gas Storage Co., LLC

### **4.14 - Adjacent Landowners**

1. According to the proposed PIP Plan, adjacent landowners (landowners directly abutting or within 500 feet of a leased parcel) will be added individually to the stakeholder list once a project layout is developed. The Applicant should explain when it intends to develop a project layout and how it plans to include adjacent landowners during early project planning phases (i.e. preliminary scoping and stipulations).

### **4.15 - Area Residents**

1. This section refers to a single public involvement event designed for residents in the study area. However, given the number of municipalities included in the Project and Study Areas, the Applicant should hold events in more than one location. Hosting events at different times, different days and at separate locations will provide the maximum opportunity for public involvement and accommodate schedules of municipal officials, residents and non-residents who may not be able to attend the single Open House identified in the proposed PIP Plan.

Depending on the timing of the separate open houses, the Applicant should consider another mailing to announce the additional event(s). In addition, the Applicant should consider using this initial widespread mailing to disseminate

outreach materials with more detailed project information than a postcard announcing the open house.

### **Section 5.0: Public Involvement Program Elements**

1. The Final 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 Final 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. As written, the proposed PIP Plan only identifies activities leading up to the development of the PSS. DPS Staff recommends including activities/plans for all phases in the Final 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 the Applicant anticipates conducting throughout the length of the project with an estimated schedule and timeline of events in relation to the project milestones.

## **5.2 - Consultation with Affected Agencies and other Stakeholders**

### **5.2.1 - Stakeholder Notifications**

1. The statement regarding agendas or topics for consultation should be expanded to include identification of consistency or conflicts with plans, planning documents or other development of preservation goals. Likewise, opportunities for advancing goals or objectives of other development may be identified (e.g., pole-sharing arrangement for expansion of communication or broad-band systems in rural areas; co-location of facilities in utility corridors; development of multiple-use trails with proposed facility access roads; etc.).
2. DPS Staff recommends a minimum of two weeks notification prior to public events such as open house and public hearings. The public needs sufficient time to make arrangements to attend such events. In addition, for events published in local newspapers, the Applicant should identify papers serving the entire Study Area, including the municipalities in Pennsylvania.

### **5.3 - Pre-Application Activities to Encourage Participation**

#### **5.3.1/5.3.2 - Town Board Meetings and Open Houses**

1. The Applicant needs to provide more details on these activities, such as providing dates or an estimated time-frame for when it intends to conduct the initial Town Board meeting presentations and the anticipated date or time-frame for the planned open house event. Clarify whether this open house event is the only one planned in advance of the filing of the PSS or whether the Applicant has planned or may plan additional events. The Final PIP Plan should provide flexibility to engage and hold public events as needed to address community interests and provide opportunities responsive to local needs.
2. In addition to the one-on-one and small group informational discussions anticipated by the Applicant during the open house events, DPS Staff recommends that representatives of Eight Point Wind, LLC initiate any such event with a brief presentation providing an overview of the project. Such an introduction would offer attendees the opportunity to learn the basics of the project plans and allow for more meaningful discussions between the Applicant and attendees during individual and small group interactions, without having to re-introduce the general project plans to each attendee.
3. The outreach activities should include information on Intervenor Funding and the process for stakeholders to apply for funds.

#### **5.3.3 - Local Access to Project Representatives**

1. Once a local office is established, will the Applicant have a representative stationed at this location? If so, contact information for the local representative should be included in this section.

#### **5.3.4 - Local Telephone Number**

1. The Applicant should provide a local or toll free number that connects to an Eight Point Wind, LLC employee, and the hours of operation. If a voicemail only system is employed, the Final PIP Plan should indicate the timeframe in which the public can anticipate a response to their inquiries.

#### **5.3.5 - Local Office**

1. The Final PIP plan should provide an estimated date or time-frame for when Eight Point Wind, LLC intends to secure and occupy a local office within the Project Area. Additionally, the Applicant should describe how it intends to inform the public of the location of the office, the date it will open, and the regular business hours that the office will maintain.

#### **5.4 - Activities Designed to Educate the Public**

1. A preliminary schedule with milestones and opportunities for public involvement should be included to the best of the Applicant's ability. Also, Eight Point Wind, LLC should state an approximate time when materials will become available on the project website.
2. As noted previously, the Applicant should include a display and/or handouts at the open house(s) regarding Intervenor Funding.
3. The Applicant should consider providing a copy of the PowerPoint presentation on the project website.

#### **5.5 - Website**

1. The Applicant's contact information on the website should include the local project office address, phone number, and hours of operation when this information becomes available.
2. The website 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.

#### **5.6 - Notifications**

1. The Applicant should use the mailing regarding the open house(s) as an opportunity to provide project information to stakeholders in the Study Area.
2. While the Applicant has noted that it will hold a webinar or meet one-on-one with people unable to attend the open house, people may be uncomfortable with these options and prefer to attend a public meeting. As stated before, DPS Staff recommends the Applicant hold at least two open house events in different locations to provide adequate opportunities for public involvement. The Study Area covers a many municipalities and hosting multiple events will ensure that all interested persons have a chance to interact with Project representatives.
3. The newspaper notification of the open house should include daily and weekly papers that cover the Study Area, not just the Project Area.

### **5.7 Activities Designed to Encourage Stakeholder Participation**

1. The activities described in Section 5.4 focus on the pre-application phase of the project. The Final 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. The Applicant should indicate additional activities it has planned or may consider beyond the required notification of filings. DPS Staff recommends that the Applicant, at a minimum, notify the stakeholder list (by mail and list serve) when the Preliminary Scoping Statement and Application are filed.
2. The list of document repositories should be noted under its own section (e.g. 5.7.1) so that it is noted in the Table of Contents and can be easily found within the Final PIP Plan. Also note that outreach materials, such as factsheets, newsletters, etc. may be filed at the document repositories.
3. The Applicant needs to clarify whether the comment tracking report will be filed with the Secretary and/or included on the project website.

### **Section 6.0: Environmental Justice Areas**

1. The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data.

### **Section 7.0: Language Access**

1. The Applicant cites census data from 2000 rather than the more recent 2010 study. This section should be updated using the most recent data.

### **Figures**

1. The figures provided in the proposed PIP plan (Figures 1 – 3) do not clearly distinguish that the three polygons outlined in yellow within the project boundary (also outlined in yellow) represent State Forest Land, specifically Greenwood State Forest, Rock Creek State Forest and Turkey Ridge State Forest. All three of these State Forest Lands are within the Canisteo River Basin Unit and managed by the NYSDEC Division of Lands and Forests Region 8. DPS Staff anticipates that the areas within these polygons are designated as being excluded from the Project Area, however there is no explanation for their exclusions in the text of the proposed PIP plan, specifically Section 2.3. Figures 1 – 3 and Section 2.3 should be revised as necessary to clearly identify the significance of the three polygon areas outlined within the project boundary and figures for future project related documents should also be designed to clarify the meaning of these areas.

DPS Staff recommends that Eight Point Wind, LLC review the Canisteo River Basin Unit Management Plan, available for download on the NYSDEC website, and consult with NYSDEC Division of Lands and Forests Region 8 staff during the planning and design phases of the project in order to minimize impacts to the environmental resources within the State Forest Lands and Canisteo River Basin during construction and operation of the facility.

2. Maps of Eight Point Wind Energy Center Project Area and Study Area (Figures 2 and 3) should be modified to include additional geographic information including:
  - o Identify location of the Village of Canisteo municipal boundary; and
  - o Label roads in the Project Area and vicinity to help demonstrate Project limits.
3. The square icon representing the Bennett Substation appears to cross into the boundary for the City of Hornell. The figures should clarify that this portion of the Project lies outside of this municipality.

#### **Appendix A: Stakeholder/Notification List**

1. As noted in Section 4.1, the list should include town clerks to ensure dissemination of notices to board members.
2. The Mayor for the City of Hornell should be added to the list of adjacent municipalities.
3. The local repositories should be included in the stakeholder list.
4. Kelly Tyler, Buffalo Office Program Manager from NYSERDA, is listed but not the Chair. Please include Richard L. Kauffman as well.
5. It is unclear from Figure 3 whether the Hornell Airport falls within the Study Area. If so, it should be added to the list of stakeholders.
6. A general note – the stakeholder list in the Appendix would be easier to read if it was organized in the same manner as Section 4.

#### **Appendix B: Stakeholder Consultation Goals and Schedule**

1. DPS Staff recommends adding Allegany County Planning Department to the list of Adjacent Municipalities to be contacted, since the Project Area directly abuts the Steuben-Allegany County Boundary.
2. For purposes of consultation, DPS Staff recommends including the Gas Pipeline companies (noted in 4.10).

3. There are numerous active and inactive oil and natural gas wells located within the Project Area, including three oil well fields containing densely populated well installations on the western sides of the Towns of Greenwood and West Union. Additionally, there are natural gas storage wells located in the Town of Greenwood. DPS Staff recommends that the Applicant consult with NYSDEC Division of Mineral Resources Region 8 and the owners/operators of the oil and natural gas wells and natural gas storage wells within the Project Area during project planning and design, in order to minimize impacts to the integrity and operation of existing wells and potentially utilize existing access roads, marshalling yards, and other construction related land uses.