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April 14, 2003

BY HAND

Honorable Janet Hand Deixler
Secretary
New York State
Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: Verified Petition for a Certificate of Public Convenience and Necessity in the Town of Barton, Tioga County, New York

Dear Secretary Deixler:

On behalf of Valley Energy, Inc., enclosed please find an original and five (5) copies of a Verified Petition for a Certificate of Public Convenience and Necessity in the Town of Barton, Tioga County, New York.

Valley Energy respectfully requests that the New York State Public Service Commission ("Commission") act on this filing in an expeditious manner so that construction can commence as soon as possible. Accordingly, pursuant to Section 21.10 of the Commission's regulations, we have enclosed an original and five (5) copies of a Motion for Expedited Proceeding. Newspaper publication of notice of the petition, as required by Section 21.10(a)(3) of the Commission's regulations, will be duly undertaken.

If you have any questions regarding the filing, please contact me.

Sincerely,



Brian T. FitzGerald

cc: Mr. Robert Crocker
Noelle M. Kinsch, Esq.
AL 80134.1

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X

Verified Petition of Valley Energy, Inc. for a
Certificate of Public Convenience and Necessity to
Exercise a Gas Franchise in the
Town of Barton, County of Tioga

Case 03-G-_____

-----X

MOTION FOR EXPEDITED PROCEEDING

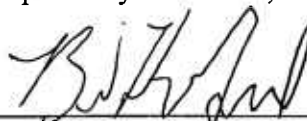
Based on the Verified Petition of Valley Energy, Inc. ("Petitioner") for a Certificate of Public Convenience and Necessity to exercise a gas franchise in the Town of Barton, County of Tioga filed herewith, Petitioner respectfully requests, pursuant to Section 21.10 of the New York State Public Service Commission's ("Commission") regulations, that the public hearing required by Section 68 of the Public Service Law be held on the application before the Commission on the basis of said papers and any other information as may be filed by Petitioners, any party or New York State Department of Public Service Staff Counsel, without oral testimony.

A copy of the public notice, annexed hereto, will be published in the manner required by Section 21.10(a)(3) of the Commission's regulations and will be served on each person or municipality entitled to service of a copy of the Petition.

The granting of Petitioner's Motion for an Expedited Proceeding will permit construction to commence as soon as possible and will therefore facilitate the installation of gas service in the territory specified in the Petition.

Dated: April 14, 2003

Respectfully submitted,



Brian T. FitzGerald
Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
99 Washington Avenue, Suite 2020
Albany, New York 12210
Tel: (518) 626-9000
Fax: (518) 626-9010

Attorneys for Petitioner:

Valley Energy, Inc.

AL 80135.1

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----x
Verified Petition of Valley Energy, Inc. for a
Certificate of Public Convenience and Necessity to
Exercise a Gas Franchise in the
Town of Barton, County of Tioga
-----x

PUBLIC NOTICE

Notice is hereby given pursuant to Section 21.10(a)(3) of the Rules and Regulations of the Public Service Commission of the State of New York (16 NYCRR Part 21) that Valley Energy, Inc., 523 S. Keystone Avenue, Sayre, Pennsylvania, made an application to the Public Service Commission for a Certificate of Public Convenience and Necessity to exercise a gas franchise for the Town of Barton, County of Tioga. Valley Energy, Inc. proposes to provide gas service in the Town of Barton pursuant to the terms of a franchise originally granted by the Town Board of the Town of Barton on December 27, 2001.

In accordance with Section 21.10 of the Rules and Regulations of the Public Service Commission, Valley Energy, Inc. has moved that the public hearing required under Section 68 of the Public Service Law on its application be held on the basis of the application and such other information as may be filed by Valley Energy, Inc., any other party, or New York State Department of Public Service Staff Counsel, without oral testimony. Any person opposed to the granting of the application should, within ten (10) days of the publication of this notice, notify in writing the Secretary of the Public Service Commission of the State of New York, Three Empire State Plaza, Albany, New York 12223, of the reasons for the opposition.

Valley Energy, Inc.
523 S. Keystone Avenue
Sayre, Pennsylvania 18840

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X

Verified Petition of Valley Energy, Inc. for a
Certificate of Public Convenience and Necessity to
Exercise a Gas Franchise in the
Town of Barton, County of Tioga

Case 03-G-_____

-----X

**VERIFIED PETITION OF VALLEY ENERGY, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO EXERCISE A GAS FRANCHISE
IN THE TOWN OF BARTON, COUNTY OF TIOGA**

Brian T. FitzGerald
Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
99 Washington Avenue, Suite 2020
Albany, New York 12210-2820
Tel: (518) 626-9000
Fax: (518) 626-9010

Date: April 14, 2003

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----x

Verified Petition of Valley Energy, Inc. for a
Certificate of Public Convenience and Necessity to
Exercise a Gas Franchise in the
Town of Barton, County of Tioga

Case 03-G-_____

----- x

**VERIFIED PETITION OF VALLEY ENERGY, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO EXERCISE A GAS FRANCHISE
IN THE TOWN OF BARTON, COUNTY OF TIOGA**

Pursuant to Section 68 of the New York State Public Service Law (“Public Service Law”) and Part 21 of the New York State Public Service Commission’s regulations, Valley Energy, Inc. (“Valley Energy” or “Petitioner”), through its undersigned counsel, respectfully requests that the New York State Public Service Commission (“Commission”) grant Valley Energy a Certificate of Public Convenience and Necessity (“CPCN”) to exercise a gas franchise in the Town of Barton, County of Tioga.

I. BACKGROUND

1. By a petition filed on March 20, 2001, NUI Utilities, Inc. (“NUI”) sought approval pursuant to Section 68 of the Public Service Law to construct gas plant to extend service to Vulcraft of New York, Inc. (the “Vulcraft Project”) and to exercise a gas franchise granted to it by the Town of Chemung located in the County of Chemung, New York.¹ In connection with the Vulcraft Project, the Chemung County Industrial Development Agency

¹ The Town of Chemung granted the franchise on October 4, 2000.

("CCIDA"), acting as lead agency with the consent of the participating parties, conducted the required coordinated State Environmental Quality Review Act ("SEQRA") review, which included a cultural assessment.

2. On April 2, 2001, the Commission granted NUI a CPCN.² The CPCN permitted NUI to exercise, to a limited extent, a gas franchise granted by the Town of Chemung and to construct gas plant to extend service to the Vulcraft Project.³ The Commission's order granting the CPCN for the Town of Chemung also stated that "[f]uture construction of gas plant in the Town of Barton shall be described in a petition for the approval of the exercise of a gas franchise granted by the Town...."⁴ NUI sought and was granted a franchise for the Town of Barton, Tioga County. A copy of the franchise is attached hereto as Exhibit A.

3. Subsequently, NUI, together with C&T Enterprises, Inc. and Valley Energy, petitioned the Commission for approval of NUI's sale of certain gas distribution and transmission facilities in the Town of Chemung, County of Chemung and the Village of Waverly, Town of Barton, and the transfer of related franchises, to C&T and ultimately to Valley Energy. The Commission approved the transfer of all assets on March 27, 2002.⁵ The approved transaction was closed at the end of 2002.

² Case 01-G-0376 - Petition of NUI Utilities, Inc. for Approval, Pursuant to Section 68 of the Public Service Law, for the Exercise of a Gas Franchise in the Town of Chemung, Chemung County, Order Granting Certificate of Public Convenience and Necessity (April 2, 2001).

³ Id. at 8.

⁴ Id. at 9.

⁵ Case 01-G-0493 - Joint Petition of NUI Utilities, Inc., C&T Enterprises, Inc. and Valley Energy, Inc. for Approval of the Transfer of NUI's Gas Distribution Facilities in the Village of Waverly and its Planned Facilities in the Town of Chemung, Chemung County, New York, to C&T Enterprises and Ultimately to Valley Energy, Order Approving Transfer of Property (March 27, 2002).

4. On January 22, 2003, the Commission approved Valley Energy's request for an expansion of its CPCN in the Town of Chemung.⁶ As part of the approval, the Commission allowed Valley Energy to impose a surcharge on customers in a new area during a five year development period consistent with the Commission's Policy Statement regarding rate treatment afforded to the expansion of gas service into new franchise areas.⁷

5. In accordance with the Commission's prior orders, Valley Energy requests a CPCN to exercise the Town of Barton franchise to serve customers located along the Town of Barton portion of the pipeline serving the Vulcraft Project. Valley Energy likewise seeks any Commission approval necessary to apply the Policy Statement in the Town of Barton in the same manner as in the Town of Chemung.

6. In preparing this Petition, Valley Energy became aware that certain customers, including some receiving service since the 1960's, are technically located outside the Village of Waverly in the Town of Barton. Within the specific service area sought in this Petition, Valley Energy has also identified potential load growth. Thus, Valley Energy respectfully requests that the CPCN for the Town of Barton include the existing customers and related potential expansion as described herein.

II. EXERCISE OF TOWN FRANCHISE

7. Valley Energy is a corporation duly organized and existing under the laws of the State of Pennsylvania, having its principal office at 523 S. Keystone Avenue, Sayre, Pennsylvania 18840. Valley Energy is authorized to do business in New York.

⁶ Case 01-C-0376, Order Amending Certificate of Public Convenience and Necessity (Jan. 22, 2003).

⁷ Case 89-G-078 - In the Matter of the Formulation of a Policy Regarding the Rate Treatment Afforded to the Expansion of Gas Service into New Franchise Areas, Statement of Policy Regarding Treatment to be Afforded to the Expansion of Gas Service into New Franchise Areas (Dec. 11, 1989) ("Policy Statement").

8. The Town of Barton is located in the County of Tioga. The Town of Barton is bounded on the north by the Town of Spencer; on the east by the Town of Tioga; on the south by Bradford County, Pennsylvania; and on the west by the Town of Chemung, Chemung County. Valley Energy currently provides service in New York in the Village of Waverly within the Town of Barton, certain parts of the Town of Barton outside the Village of Waverly, and parts of the Town of Chemung.

9. The Town of Barton originally granted NUI a franchise to lay and maintain facilities and to transmit and distribute natural gas as specified therein throughout the Town. A copy of the franchise is attached hereto as Exhibit A. NUI transferred the Town of Barton franchise to Valley Energy as part of the Commission-approved transaction referenced above. No municipal approval for the transfer of the franchise from NUI to Valley Energy was necessary. As such, all municipal consents have been secured that are required by law.

10. Upon information and belief, no other entity provides gas service in the Town of Barton.

11. As mentioned above, in preparing this Petition Valley Energy learned that a number of existing customers are technically located in the Town of Barton outside of the geographic limits of the Village of Waverly. Some of the customers have had gas service since the 1960s. A description of the plant in service along with the street location and year of installation is attached as Exhibit A to the Affidavit of Robert Crocker submitted with and incorporated into this Petition. A map showing the location of the facilities is attached hereto as Exhibit B.

12. Based on an informal marketing study performed by Valley Energy, eighty-three buildings located along the existing pipelines in the Town of Barton do not have a service lateral

installed and thus constitute potential future customers. Only one of the potential customers is located along the Town of Barton portion of the pipeline installed to serve the Vulcraft Project. See Exhibit A to the Affidavit of Robert Crocker submitted with and incorporated into this Petition.

13. In addition, one customer who requested service would be served by an extension to an existing service lateral in the Town of Barton. However, this customer's premises is technically located in the Town of Chemung. While Valley Energy possesses a CPCN for the Town of Chemung, this customer is located outside Valley Energy's Commission approved service area. Valley Energy requests approval to serve this customer and any future customers along the service lateral.

14. Service laterals for expansion customers in the Town of Barton would be one half inch to two inch polyethylene plastic pipe operated between one third psi and sixty psi.

15. Currently, the distribution mains in the Town of Barton are served from the distribution system in the Village of Waverly. Should the eighty-three potential customers in the Town of Barton desire service and use the average consumption for a heating customer, Valley Energy's supply need would increase by less than one tenth of a percent of Valley Energy's annual usage for the past twelve months.

16. A feasibility model supports this Petition. The feasibility model, including construction costs, estimated projected revenue, and estimated expenses, is attached as Exhibit B to the Affidavit of Robert Crocker submitted with and incorporated into this Petition.

17. Construction of any additional expansion would be financed through a line of credit.

18. Any additional customers would be charged rates in accordance with Valley Energy's respective tariffs.

19. Valley Energy is an existing gas corporation currently serving customers in New York as herein described. Thus, Valley Energy possesses adequate experience in providing gas service in New York.

20. A Full Environmental Assessment Form is attached hereto as Exhibit C.

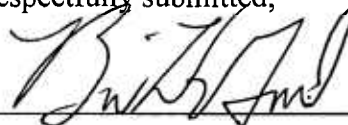
21. Should other than a Phase 1 archeological study be required, Valley Energy requests that the Commission grant any approval necessary to impose a surcharge on customers in a new area during a five year development period consistent with the Commission's Policy Statement regarding rate treatment afforded to the expansion of gas service into new franchise areas.

22. Valley Energy's further exercise of the rights and privileges under the Town of Barton gas franchise is necessary and convenient for the public interest. Commission approval of the exercise of the franchise in the Town of Barton as described herein, and the addition of customers in the Town of Chemung served by service laterals from the Town of Barton, will allow Valley Energy to provide gas service to new customers, thereby providing an alternative fuel for such residents in the Town of Barton.

WHEREFORE, Valley Energy respectfully requests the Commission grant it a CPCN to exercise the gas franchise in the Town of Barton and approval to serve customers in the Town of Chemung by an extension to a service lateral located in the Town of Barton.

Dated: April 14, 2003

Respectfully submitted,



Brian T. FitzGerald
Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae, LLP
99 Washington Avenue, Suite 2020
Albany, New York 12210-2820
(Tel): (518) 626-9000
(Fax): (518) 626-9010

On Behalf of Valley Energy, Inc.

AL 79098.1

VERIFICATION

Robert Crocker, being duly sworn according to law, upon his oath, deposes and says:

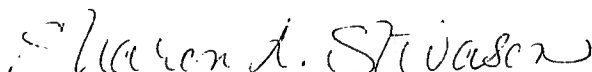
1. I am President and Chief Executive Officer of Valley Energy, Inc. and I am authorized to make this Verification on behalf of the company.

2. I have read the contents of the foregoing Petition and hereby verify that the statements contained herein are true and correct to the best of my knowledge and belief.



Robert Crocker

Sworn to and subscribed before me
this 5th day of March 2003.



Notary Public

Notarial Seal
Sharon L. Stivason, Notary Public
Sayre Boro, Bradford County
My Commission Expires Apr. 23, 2006



RECYCLED

FRANCHISE

THE BOARD of the Town of Barton, County of Tioga and State of New York ("Town") by and with the consent and approval of the Supervisor of said Town as evidenced by the signature attached hereto having by resolution at a meeting of said Board duly called and held for such purposes on the 27th day of December, 2001, after hearing, notice of which was given by publication in the official newspaper of said Town at least ten (10) days prior to the public hearing, authorized the granting of a franchise to NUI Utilities, Inc. ("NUI Utilities, Inc." or the "Company"), pursuant to its Petition for a Public Hearing of Dec. 27, 2001.

NOW, THEREFORE, the Town of Barton, by . . . [**List names of Board Members and / or other signatories**] . . . do hereby grant NUI Utilities, Inc., its successors and assigns, upon due acceptance hereof in writing, a perpetual franchise to lay, construct, install, maintain and operate conductors, fixtures, pipes, and structures for carrying transmitting, distributing and delivering gas (natural, manufactured or mixed), other fluids, electricity and telecommunications equipment and signals with the necessary pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures in, under, along, across, through and to extend its facilities beyond all streets, highways, alleys, squares, lanes, parks and public places in the said Town of Barton for the purpose of furnishing, selling and distributing gas for light, heat and power purposes, and for providing space and facilities in or near its trenches for other services rendered to the public, including communications services, in said Town and to extend its facilities beyond the limits thereof, and the doing of such other things as may be necessary and incidental to its business as a company that furnishes natural gas service and which provides space and facilities in or near its trenches for other services.

PROVIDED, HOWEVER, that all pipes, conduits, ducts valves, valve pits, regulators, compressors and other conductors, fixtures and structures shall be placed in such a manner as to cause as little inconvenience to the public in the use of such highways as is practicable and consistent with the safety and efficiency of such pipes, conduits ducts, valves, regulators, compressors and other conductors, fixtures and structures.

PROVIDED FURTHER, that all of said pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures shall be placed, constructed and maintained in a proper and workmanlike manner so that the same shall in no way endanger the public, and the said Company shall at all times indemnify and save harmless said Town and the members of said Town Board from and against any and all actions, suits, damages, costs, charges and expenses by reason of the location and maintenance of said pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures through, along and under any of the streets, highways, avenues, lanes and other public places, or by reason of any act done or omitted to be done in the premises by said Company.

PROVIDED FURTHER, whenever said Company shall have occasion to make an opening in the surface of any street highway or other public place for the purpose of laying or repairing any such pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures, it will first procure any permits necessary under the law or ordinances of said Town (except in an emergency), will conduct such work in a careful and workmanlike manner, will cause as little disturbance of traffic as reasonably possible, and will restore the surface of such street, highway or other public place equal to or better than its former condition, including restoration of payment where it has been necessary to disturb the same.

PROVIDED FURTHER, that this grant of a franchise is made upon the condition that permission be secured from the Public Service Commission as is required by law.

IN WITNESS WHEREOF, the Town of Barton has caused this instrument to be signed in its name by its supervisor and Town Board, and the seal of the town to be hereunto affixed this 27th day of December, 2001.

TOWN OF BARTON:

By: *William Hatcher*
(Signature/Supervisor of Town of Barton)

By: *Oliver Everson*
(Signature/Title)

By: *James L. Smith*
(Signature/Title)

By: *Fredrick W. Schwergis*
(Signature/Title)

By: *Roy E. Smith*
(Signature/Title)

Ratification of Franchise by superintendent of Highways

1. Leon R. Cary Superintendent of Highways of the Town of Barton, County of Tioga and State of New York, do hereby join in the execution and delivery of the foregoing franchise or privilege and do hereby approve, ratify and confirm the same.

Dated: Dec. 27, 2001.

Leon R. Cary
Superintendent of Highways

Certification of Clerk

2. Florence A. Mack Clerk of the Town of Barton, in the County of Tioga and the State of New York, do hereby certify that the attached copy of the Resolution and Franchise is a true and complete copy of the original hereof granted this day to NUI Utilities, Inc. by the Town of Barton on the 27th day of December 2001.

Clerk of the Town of Barton

Florence A. Mack
Clerk

NUI Utilities, Inc. hereby accepts the terms of the foregoing

Franchise this 16th day of January, 2001.

NUI UTILITIES, INC.

By: Victoria Fathreewig

Title: Vice President - Distribution Services



617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Install natural gas service laterals from existing pipelines

Location of Action (include Street Address, Municipality and County)

Town of Barton, NY in streets located contiguous with Waverly, NY

Name of Applicant/Sponsor Valley Energy, Inc.

Address 523 S. Keystone Ave.

City / PO Sayre State PA Zip Code 18840

Business Telephone 570-888-9664

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Install approximately 80 natural gas service laterals from existing gas pipelines located in public right-of-way. Pipe to be 1/2" to 2" polyethylene plastic pipe operating at between 1/3 psi and 60 psi. Pipe to be installed on customer property at between 24" and 36" deep. Laterals to be installed up to the building wall. Installation method is excavations at 18" to 24" in width and pneumatic boring. Laterals would be installed sporadically over a period of time at the request of property owners requesting gas service.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: .25 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) <u>residential and commercial seeded lawn</u>	<u>.25</u> acres	<u>.25</u> acres

3. What is predominant soil type(s) on project site?
- a. Soil drainage: Well drained 100% of site Moderately well drained _____% of site.
 Poorly drained _____% of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? Yes No
- a. What is depth to bedrock _____ (in feet)
5. Approximate percentage of proposed project site with slopes:
 0-10% 0% 10- 15% _____% 15% or greater _____%
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? unknown (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

NONE

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 0 acres.
- b. Project acreage to be developed: 0 acres initially; 0 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. 100 %
- f. Number of off-street parking spaces existing 0; proposed 0
- g. Maximum vehicular trips generated per hour: 0 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |
| Ultimately | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |
- i. Dimensions (in feet) of largest proposed structure: NA height; NA width; NA length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Area will be returned to original condition. Spoil material will be replaced in excavation.
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: NA months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 83 (number)

b. Anticipated date of commencement phase 1: NA month 2003 year, (including demolition)

c. Approximate completion date of final phase: NA month NA year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 0; after project is complete

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity _____ 0 gallons/minute.

23. Total anticipated water usage per day _____ 0 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Franchise</u>	<u>granted</u>
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Environ. Study/Permit</u>	<u>at this time</u>
			<u>NY PSC approval</u>	<u>at this time</u>
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|-------------------------------------------|---------------------------------------------|------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

NA

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

NA

4. What is the proposed zoning of the site?

NA

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

NA

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

NA

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Residential, commercial, industrial, retail

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Robert J. Crocker Date 2-7-2003

Signature 

Title President & CEO

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-----|--------------------------|----|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--------------------------	--------------------------	----------------------------------------------------------

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

• Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3	
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. Yes No
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) Yes No
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. Yes No
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. Yes No
- Other impacts: Yes No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. Yes No
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. Yes No
- Proposed Action will conflict with officially adopted plans or goals. Yes No
- Proposed Action will cause a change in the density of land use. Yes No
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. Yes No
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.) Yes No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

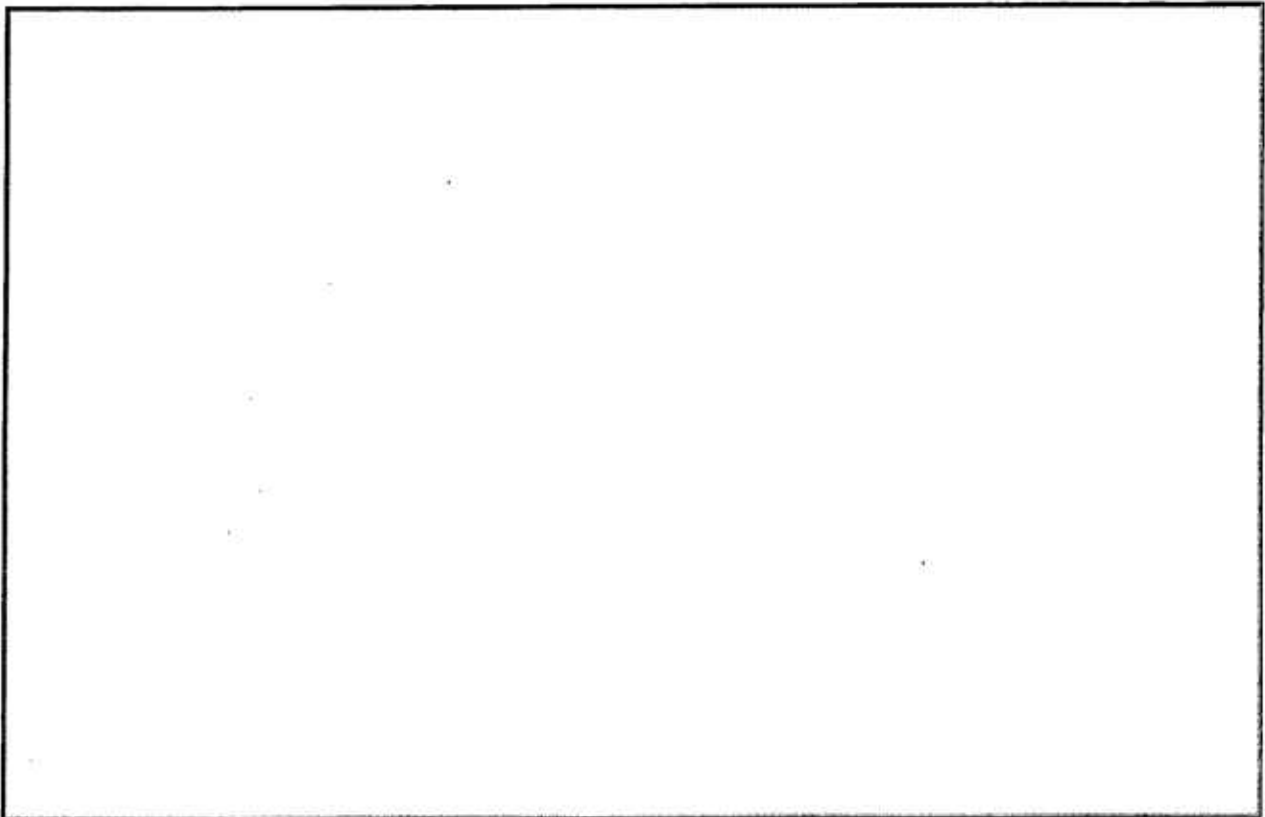
Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.





BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----x
Verified Petition of Valley Energy, Inc. for a
Certificate of Public Convenience and Necessity
Exercise a Gas Franchise in the
Town of Barton, County of Tioga

Case 03-G-_____

-----x
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA))
) ss.:
COUNTY OF BRADFORD)

ROBERT CROCKER, being duly sworn, deposes and says:

1. I am the President and Chief Executive Officer of Valley Energy, Inc. ("Valley Energy"). My business address is 523 S. Keystone Avenue, P.O. Box 340, Sayre, Pennsylvania 18840-0340.

2. This Affidavit is submitted in support of the Petition of Valley Energy for a Certificate of Public Convenience and Necessity to serve certain parts of the Town of Barton, Tioga County, New York. I address the following herein: 1) marketing research related to the further provision of gas service in the Town of Barton; and 2) financial feasibility for the further provision of gas service in the Town of Barton.

3. I received an Associate Degree in Mechanical Engineering from Pennsylvania State University in 1976 and an Associate Degree in Business Administration from Elmira College. I commenced my employment with Pennsylvania & Southern Gas Company in 1976. NUI Corporation acquired Pennsylvania & Southern Gas Company in 1994. I became Division Manager of the Valley Cities Gas Division of NUI Corporation in 1985. Upon the closure of the

transaction between NUI and Valley Energy, I became President and Chief Executive Officer of Valley Energy.


4. As President and Chief Executive Officer of Valley Energy, my responsibilities include the management of all of Valley Energy's operations, engineering, marketing, customer service, field service and administrative functions.

Marketing Research

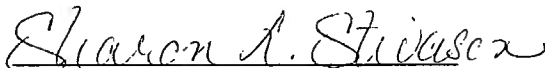
5. An informal marketing survey conducted on behalf of Valley Energy shows that approximately eighty-three potential customers exist in the Town of Barton. The marketing study is based on the number of buildings along Valley Energy's infrastructure in the Town of Barton that do not currently receive gas service. A copy of the informal marketing survey is attached hereto as Exhibit A.

Feasibility Study

6. A feasibility model conducted on behalf of Valley Energy supports the expansion of gas service in the Town of Barton. The feasibility model shows the construction costs, estimated projected revenue and estimated expenses for a five-year period. A copy of the feasibility model is attached hereto as Exhibit B.


Robert Crocker

Sworn to and subscribed before me
this 5th day of March, 2003


Notary Public

Notarial Seal
Sharon L. Stivason, Notary Public
Sayre Bero, Bradford County
My Commission Expires Apr. 23, 2006



RECYCLED



VALLEY ENERGY BARTON, NY FRANCHISE PROJECT
SERVICE AREA DESCRIPTION

The Barton, NY service area includes all of Valley Energy's New York State operation in Tioga County. Within the Town of Barton is the Village of Waverly, NY for which a franchise exists. This description pertains to the Town of Barton outside of the Village of Waverly. Potential customers include existing buildings and not future structures.

Pipelines within the town are served from the distribution system in the Village of Waverly and operate at 60 psi. Service to the Village of Waverly is provided through the distribution system serving Valley Energy's Pennsylvania operation.

DISTRIBUTION MAINS

<u>STREET</u>	<u>SIZE</u>	<u>TYPE PIPE</u> (P- Plastic, S-Steel)	<u>YEAR</u> <u>INSTALLED</u>	<u>APPROX.</u> <u>LENGTH</u>	<u>POTENTIAL</u> <u>CUSTOMERS</u>
W. Pine St.	4"	S	1963	1800'	0
Clark St.	2"	P	2000	150'	0
Lyman Ave.	2"	P	1999	550'	3
Spring St.	2"	P	1987	60'	1
Walker Hill Rd.	4"	S	1983	200'	0
Center St.	2"	P	1999	300'	3
Circle Dr.	2"	P	1999	1900'	13
Route 34	3"	S	1966	150'	9
	2"	P	1999	1100'	
Jones Rd	2"	P	1999	1750'	7
Trudy Lane	2"	P	1999	400'	0
Catherine St.	2"	P	1999	200'	1
Norris Rd.	2"	P	1999	1100'	11
Pembleton Place	2"	P	1988	650'	1
Donnelly Pkwy	2"	P	1997	350'	0
Rt. 17C East	2"	S	1965	3400'	16
	2"	S	1976	200'	
	4"	P	1989	700'	
Talmadage Hill	3"	S	1969	700'	0
	2"	P	1993	300'	
Acres Ave.	2"	S	1968	2100'	6
	2"	P	2000	300'	
Broad St. Ext.	4"	P	1986	300'	5
	4"	S	1970	1900'	
	4"	S	1977	600'	
Ellistown Rd	4"	P	1986	1600'	6
* Rt. 17C West	8"	P	2001	1600'	1

* Note: This is the pipeline installed to serve the NUCOR facility in Chemung, NY. There is only one potential customer on this pipeline in the Town of Barton.





Economic Analysis

Valley Energy - Barton, NY Project

form provided by NYPSC

Input Variables		Source	Year 1	Year 2	Year 3	Year 4	Year 5
(1) Plant Additions							
Mains	design/cost estimate	\$					
Services	design/cost estimate	\$	2,100.00	2,160.00	2,230.00	2,290.00	2,360.00
Meters & Regulators	actual costs	\$	330.00	340.00	350.00	360.00	370.00
Other		\$					
Total		\$	2,430.00	2,500.00	2,580.00	2,650.00	2,730.00
(2) Gross Plant		Total (1) YTD.	\$ 2,430.00	\$ 4,930.00	\$ 7,510.00	\$ 10,160.00	\$ 12,890.00
(3) Strait-line Depreciation		3.00%	\$ 73.00	\$ 75.00	\$ 77.00	\$ 80.00	\$ 82.00
(4) Accumulated Reserve		Total (3) YTD.	\$ 73.00	\$ 148.00	\$ 225.00	\$ 305.00	\$ 387.00
(5) Net Plant		(2)-(4)	\$ 2,357.00	\$ 4,782.00	\$ 7,285.00	\$ 9,855.00	\$ 12,503.00
(6) Taxable Property							
Gas Main	100.00%	\$	-	-	-	-	-
Gas Service	83.00%	\$	693.00	1,405.80	2,141.70	2,897.40	3,676.20
Meter & Regulators	0.00%	\$	-	-	-	-	-
Total		\$	693.00	1,405.80	2,141.70	2,897.40	3,676.20
(7) Estimated Property Tax		3.00%	\$ 20.79	\$ 42.17	\$ 64.25	\$ 86.92	\$ 110.29
(8) Total Revenues		market price	\$ 900.00	\$ 1,800.00	\$ 2,700.00	\$ 3,600.00	\$ 4,500.00
(9) Expenses							
O&M		\$					
Property/school Taxes	tax bills	\$	70.00	72.00	74.00	76.00	78.00
Depreciation Expense	(3)	\$	73.00	75.00	77.00	80.00	82.00
State Income Tax	NUIfeas model	\$	81.00	153.00	222.00	300.00	374.00
Administrative & General	billing costs	\$	30.00	30.00	30.00	30.00	30.00
Fed Income Tax	NUIfeas model	\$	255.00	482.00	712.00	942.00	1,178.00
estimated assessment NYPSC	recent statement %	\$	10.00	20.00	30.00	40.00	50.00
Total		\$	519.00	862.00	1,205.00	1,560.00	1,912.00
(10) Net Income		(8)-(9)	\$ 381.00	\$ 938.00	\$ 1,495.00	\$ 2,040.00	\$ 2,588.00
(11) Estimated Rate of Return		(10)/(5)	16.16%	19.62%	20.52%	20.70%	20.70%

* negligible, will not need to hire additional personnel