

Concerned residents of
Saratoga & Schenectady Counties
Opposing the Joint Proposal of
D.P.S. Case 10-T-0080

September 20, 2010

Hon. Jaclyn A. Brilling, Secretary
N.Y.S. Public Service Commission
Three Empire State Plaza
Albany, N.Y. 12223

Re: Letter in Opposition to the Joint Proposal of Case 10-T-0080-Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need of the Construction of a new 115 kv Transmission Line from Spier Falls to Rotterdam, N.Y.

Dear Secretary Brilling:

We, the undersigned property owners and citizens affected by the above referenced application, submit this letter in opposition to National Grid's application and in opposition to the Joint Proposal associated with it. We wish to formally notify you of our dissent and secure our rights to hearing and litigation.

Specifically, we disagree with the description of the Applicant and Signatories proffered in the Joint Proposal, section B, item #11, "The Project will not directly induce significant changes in the residential, commercial, or industrial land use patterns in the Project area. Accordingly, no mitigation is deemed necessary for these aforementioned economic impacts or changes in residential, commercial, or industrial land use patterns in the Project." We vehemently oppose the concept that this project will not significantly and forever more disturb and negatively impact the communities it proposes to go through. We believe it will decimate our quality of life and result in an abhorrent reduction in our safety, privacy, the values of our homes and properties, and the aesthetics of our communities.

We further assert that the Joint Proposal, as signed, lacks appropriate mandates that must be agreed to conditionally, at application, rather than loose suggestions and non-binding proposals offered tentatively, at the Applicant's discretion, in any forth coming E.M.&C.P.

Specifically, we assert that the Applicant should be required, prior to approval, to commit to a wetland mitigation plan, rather than eluding to “evaluating mitigation options” (Joint Proposal, item #33). We assert that the language contained in Appendix D, ordering clause 93 [e] is insufficient. We request a ratio of 2:1; two acres preserved in the Kayderosseras Creek flood plane for every one acre disturbed/destroyed. This area is extremely sensitive and important to the region especially in the Town of Greenfield, in which the Creek originates and where the longest sections of the creek remains undisturbed.

We further assert that the Applicant should commit to providing neighboring residents with post construction evaluation of electro-magnetic field levels (Appendix D, at ordering clause 9).

We seek a provision that any and all changes to the Project (post approval) be from D.P.S. staff **in writing**, to read, (new Appendix D, ordering clause 27) “The Certificate Holder shall not execute any proposed change until it receives **written** approval from Staff, except emergency situations threatening personal injury, property damage, or severe adverse environmental impact or as specified in the E.M.&C.P.” We further seek a file keeping system to permanently record such changes and that they be posted on the D.P.S. website in connection with the case number of this matter.

Regarding Appendix D, ordering clause #28, “In the E.M.&C.P., the Certificate Holder shall provide an evaluation of the use of vertical, rather than a delta-type, line configuration at designated structure locations where any adverse environmental and other impacts would be offset by a greater environmental benefit resulting from a narrowing of the needed ROW that would necessitate the clearing or trimming of fewer trees,” we agree conceptually to this provision, however, the Applicant has provided no specifics with it. We are requesting that the referenced evaluation be made a part of this application directly and included in the Joint Proposal, prior to approval, and after the parties are able to review said evaluation to offer comment, support, or criticism. We feel that without the proposed evaluation before them, the Commission cannot give proper consideration in determining the level of impact or mitigation to these crucial locations.

We seek more specific language in Appendix D, ordering clause #43, Re: “Disposal of trees and woody materials,” that greater preference be given to landowners desiring to keep such wood and that the Applicant make pledges regarding the cutting and stacking of such wood. Generally, we find the language concerning the same contained in the E.M.&C.P. to be vague, non binding, and generally troublesome without commitments from the Applicant.

Regarding Appendix D, ordering clause #50 a and b, we assert that the Applicant should, at the present time, agree to stipulate conceptually to the degree to which residential landscaping will be mitigated and what improvements would be undertaken under the various conditions. As for sections c and d, the presentation of assessments and plans to staff within one year of the date the Project is placed in service is simply too much of an inconvenience to property owners and repairs and improvements should follow construction immediately after construction crews have vacated the site.

We wish to inform the Commission that the Joint Proposal gives insufficient attention to the post construction security of the expanded ROW and infringes upon residential privacy, safety, and

quality of life. We renew our call for the Applicant to pledge to install lockable gates at requested residential ROW access sites, to prevent unauthorized pedestrian and vehicular traffic, to place “no trespassing” signs at requested sites, and to offer free leases to adjoining property owners so that unauthorized trespasses, which plague the line, can be discouraged, prevented, and prosecutable. We wish the Commission to be aware that we vehemently and uniformly oppose use of the ROW for any public trails.

Regarding Appendix B, section #3, we disagree with the premise proffered by the Applicant and Signatories that the Project, as proposed, represents the minimum adverse environmental impact. Having been privy to the process whereby settlement was achieved by some of the parties, we know that this process has been rushed through by overworked and overburdened state staffers who are charged with numerous other applications and responsibilities. It is our opinion that valid concerns and important matters were addressed not by what was best for the environment, but by determining the lesser evil negotiated, as if our environment has not already been ravaged by the demand for fuel and energy.

We assert that undergrounding, while the most costly alternative, represents the best overall solution to the quandary of coping with non acceptable thermal performance, relieving over-load projections, environmental concerns, and the need to conform to long-range plans for expanding the electric power grid. We believe that the Joint Proposal’s vegetative management policy does not consider the predicament that the environment has suffered through deforestation and ignores the casual relationship between the loss of trees and global warming. Clear cutting healthy mature trees is not augmented by an eventual, though tardy, replanting of shrub based species. Undergrounding within the existing ROW provides the best solution to the ten year plan and beyond, while leaving in place beneficial and desperately needed mature trees and eliminating the need to revisit future requirements to upgrade the Northeast Region due to increased demand. The Commission should require the Applicant to provide an undergrounding plan which brings electric demand for the Northeast well under control for the long term future and not just piece-meal or irresponsibly reactive to a single business venture, such as Global Foundries.

The additional demand of Global Foundries causes post-contingency thermal overload threats and could result in physical damage to present facilities (Joint Proposal item #56). Global Foundries, A.M.D., Luther forest development,...et al, has had no overt participation in the negotiations which lead to the adoption of this proposal by some, but not all, of the parties. While taking no steps to mitigate, Global Foundries appears to be the only beneficiary of this proposed expansion. There have been no provisions for on-site energy production by Global Foundries, nor any alternatives or compromises suggested by them. It is as if one proposed business affecting a small area and only a fraction of economic development with no guarantee of success has dictated the actions and conduct of state agencies, government, and authorities.

A desirable settlement requires a long term viability of the utility. As proposed, we do not feel that this is the long term solution. The undersigned continue to be opposed to the Joint Proposal. National Grid’s assertion that the factors required by the Commission have been satisfied is not

accurate. D.P.S. staff have hinged their support upon the E.M.&C.P., "if carefully followed." Not one property owner or elected official is a signatory to the Proposal.

We believe that there have been legitimate concerns raised about the process of negotiation. We also feel, however, that if the matters presented herein were revisited by the parties, at the direction of competent authority, with good faith efforts made to address remaining unsettled issues or those issues disputed, the possibility exist to expedite this matter to an amicable resolution. With the hope that sincere compromise and disclosures could alleviate fears, we await your response.

Very sincerely and truly,

/s/

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