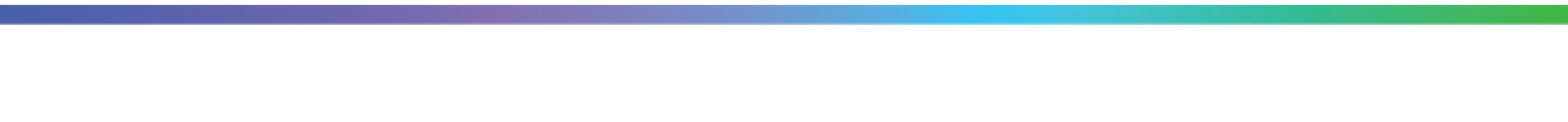

Bliss Wind Repowering Project

Matter No. 23-03030

For Public Use

Town of Eagle
Wyoming County, New York





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March 14, 2025

Via FedEx and Electronic Filing

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Re: Matter No. 23-03030: Application of Valcour Bliss NewCo, LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Repower and Operate the Bliss Wind Repowering Project, a 110.5-Megawatt (MW) Wind Generation Facility Located in the Town of Eagle, Wyoming County, New York.

Dear Secretary Phillips:

We represent Valcour Bliss NewCo, LLC (“the Applicant”), in the above-referenced proceeding. The Applicant is pleased to file this Application for the repowering and operation of a Major Renewable Energy Facility pursuant to New York State’s Public Service Law Article VIII and 16 NYCRR Part 1100.

The proposed Bliss Wind Repowering Project (the “Project”) is an approximately 110.5 megawatt (MW) alternating current (AC) wind energy facility in the Town of Eagle, New York. The Project is a repowering of the existing Bliss Wind Project, the operational 100.5 MW wind energy facility in the Town of Eagle, Wyoming County. The existing Bliss Wind Project comprises 67 turbines, buried AC collector circuits, access roads, temporary laydown/construction support areas, 34.5-kilovolt (KV) to 230 kV collection station with control building and associated equipment, an operations and maintenance building, and an existing point of interconnection switchyard station with associated equipment. The existing Bliss Wind Project will be decommissioned pursuant to local permits, except for those components that will be reused in the Project. The repowering will consist of the installation of up to 34 wind turbines, each with a capacity three to four times greater than the capacity of each existing turbine. The Project will utilize existing components within the footprint of the existing wind energy facility to the maximum extent practicable. All Project components will be located on approximately 6,700 acres

of private land leased by the Applicant. If this Application is approved, the Applicant anticipates that the Project will begin generating electricity by mid-2028.

The Project will significantly contribute to the State's clean energy and carbon reduction goals and provide direct environmental and socioeconomic benefits to the local economy. The repowering will extend the benefits and useful life of the existing Bliss Wind Project. The Project is a zero-emission, renewable source of energy that will assist the State in meeting the goals of both the Climate Leadership and Community Protection Act (CLCPA) and the State Energy Plan, which include obtaining 70% of the state's energy consumption from renewable sources by 2030, and 100% of the state's energy from clean sources by 2040. The approximately 110.5 MW capacity of the Project would generate energy equivalent to avoiding approximately 214,600 tons of carbon dioxide emissions per year. The Project is capable of safely supplying approximately 319,000 megawatt-hours (MWh) of renewable electricity per year. These carbon reduction benefits will contribute to achievement of the public health and economic goals of the CLCPA and provide benefits to consumers through the additional supply of clean, renewable electricity onto the State's electric grid.

In addition to these statewide benefits, the Project will provide socioeconomic benefits to the local community where it is proposed to be located. The Project will support the local economy by providing consistent revenues to local tax bases through a PILOT agreement, temporary and permanent employment during construction and operation, and support for small and local businesses through the purchase of local goods and supplies.

The Applicant will also participate in the New York State Public Service Commission's Host Community Benefit Program to provide utility bill savings to residents of the Town of Eagle that are electric customers of the local utility. Under the Host Community Benefit Program, the Applicant will pay an annual program fee in the amount of \$1,000 per MW of capacity for the first ten years that the Project is in operation. The fee will be distributed equally among all residential utility customers residing in the Town of Eagle as a credit on their electric utility bills. Accordingly, residential utility customers will receive ten annual bill credits beginning in the first calendar year following when the Project becomes operational.

While the construction and operation of the Project may result in certain temporary and long-term impacts, as fully described in the Application, the Applicant has thoughtfully designed the Project in accordance with the Office of Renewable Energy Siting and Electric Transmission's (the "Office" or "ORES") regulations to minimize any negative impacts to land and the community. The Project design utilizes the existing facility components to the maximum extent practicable, considers the natural features and surrounding land uses of the area, and avoids forestlands and wetlands to the extent practicable. The Applicant consulted extensively with the Office and relevant State agencies, including the New York State Department of Environmental Conservation and the State Office of Parks, Recreation and Historic Preservation with respect to the environmental and cultural resource studies performed. Such consultations ensure that the Applicant's assessment of Project impacts aligns with State law and the applicable regulations.

Throughout the Project design and pre-application phases, the Applicant has worked closely with local officials from the Town of Eagle and Wyoming County to understand their concerns and the requirements of local law. The Applicant held public open houses during the pre-

application stage, which provided interested stakeholders with the opportunity to learn about the Project and provide feedback on elements of Project planning. The Applicant considered feedback from local officials and residents throughout the Project's development and made numerous design changes based on those concerns and interests.

After multiple years of Project planning, study, and pre-application engagement, the Applicant is pleased to submit this Application pursuant to Public Service Law Article VIII and the Office's regulations at 16 NYCRR Part 1100. The Applicant believes this Project is a significant step toward ensuring the continued operation of a valuable wind energy resource and achievement of the State's CLCPA goals. The Applicant thanks the Office and its partner agencies for their collaboration in bringing this Application to fruition.

In accordance with 16 NYCRR §§ 1100-1.4(a)(1) and (2), the enclosed Application includes the Office's application form and all exhibits required pursuant to 16 NYCRR Subpart 1100-2. The remainder of this correspondence addresses compliance with 16 NYCRR § 1100-1.4(a)(3)-(10) and § 1100-1.4(b).

16 NYCRR § 1100-1.4(a)

(3) Requests for Site-Specific Conditions

The Applicant does not request that the Office apply a site-specific condition in lieu of any exhibit requirement or uniform standard or condition set forth in 16 NYCRR Subpart 1100-6.

(4) Project Website

The Applicant has created a website through which it has disseminated, and will continue to disseminate, information to the public. See <https://www.aes.com/new-york/project/bliss-wind>. The website provides the information and materials required by 16 NYCRR § 1100-1.4(a)(4).

(5) Identification of Critical Infrastructure and Trade Secret Information

Concurrent with the filing of this Application, the Applicant has submitted a request to the Office and the Administrative Law Judge ("ALJ") in this proceeding that certain documents and information contained within the Application be treated as confidential (the "Request for Nondisclosure"), as specifically identified therein, pursuant to Article 6 of the New York State Public Officers Law and other applicable state and federal laws and regulations. Trade secret information is clearly marked in the confidential copy provided to the Office and ALJ under separate cover and is redacted in the attached Application. Critical Energy Infrastructure Information (CEII) and Critical Infrastructure Information (CII) is redacted in this Application, and provided to the Office pursuant to the January 28, 2025 Ruling Adopting Protective Order in this proceeding, as further described in the Request for Nondisclosure. The Applicant's Request for Nondisclosure is provided with this Application.

(6) Identification of Confidential Cultural Resource Information

The Applicant's Request for Nondisclosure requests that information about the location, character, or ownership of cultural resources be subject to confidential treatment pursuant to

Section 304 of the National Historic Preservation Act, 9 NYCRR § 427.8, and 16 NYCRR § 1100-1.4(a)(6). This information is clearly marked in the confidential copy provided to the Office and ALJ under separate cover and is redacted in the attached Application. The Applicant's Request for Nondisclosure is provided with this Application.

(7) Affidavit of Service

Affidavits of Service of the Application and all accompanying documents on the Office and parties identified in 16 NYCRR § 1100-1.6(a) will be submitted to the Office as soon as the affidavits are made available by the persons who performed the service of the documents.

(8) Payment of Local Agency Fee

Concurrent with the filing of this Application, the Applicant deposited payment in the local agency account in an amount equal to one thousand (1,000) dollars for each one thousand (1,000) kilowatts of the proposed Project's nameplate capacity, as required by 16 NYCRR § 11001-1.4(a)(8).

(9) Payment of Application Fee

Concurrent with the filing of this Application, the Applicant submitted to the Office the fee required by 16 NYCRR § 1100-1.5.

(10) Additional Information Requested by the Office

Any and all additional information requested by the Office during consultations with the Applicant is included in the Application and associated Exhibits contained herein.

16 NYCRR § 1100-1.4(b)

Water Quality Certification

Pursuant to 16 NYCRR § 1100-1.4(b)(1), and because the Applicant has not made its request for Water Quality Certification under Section 401 of the Clean Water Act to the U.S. Army Corps of Engineers, such request is not submitted as part of this Application. Exhibit 13 includes a statement describing this matter, in accordance with 16 NYCRR § 1100-2.14(f). Upon a determination that such a request is necessary and it is made to the U.S. Army Corps of Engineers, the Applicant will serve such request on the Office pursuant to 16 NYCRR § 1100-1.4(b)(3).

Respectfully Submitted,



Noah C. Shaw
Sarah M. Main
Foley Hoag LLP
Attorneys for Valcour Bliss NewCo, LLC

Enclosures

Cc: ORES (via mail, email, and USB drive)
Chief ALJ (via mail, email, and USB drive)
Party List (via DMM and email)



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March 14, 2025

Via FedEx and Electronic Filing

Chief Administrative Law Judge
James McClymonds
Department of Public Service
W.A. Harriman State Office Campus
Building 9, 4th Floor
1220 Washington Avenue
Albany, NY 12226

Re: Matter No. 23-03030: Application of Valcour Bliss NewCo, LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Repower and Operate the Bliss Wind Repowering Project, a 110.5-Megawatt (MW) Wind Generation Facility Located in the Town of Eagle, Wyoming County, New York.

Dear Chief Administrative Law Judge McClymonds:

We represent Valcour Bliss NewCo, LLC (“the Applicant”), in the above-referenced proceeding. The Applicant is developing the Bliss Wind Repowering Project (the “Project”). On or about March 13, 2025, the Applicant will submit application materials set forth in 16 NYCRR Part 1100 (the “Application”). Concurrent with the Application submission, the Applicant hereby submits this request for confidential treatment of portions of the materials included in the Application because, as described in further detail herein, certain materials contain information that should be protected from disclosure pursuant to a suite of state and federal laws and regulations. Confidential information will be submitted to the Office of Renewable Energy Siting and Electric Transmission (the “Office”) and the Administrative Law Judge in this proceeding under separate cover. Redacted versions of the documents containing confidential information have been provided for posting to the public docket for this matter.

I. Information Protected From Disclosure

The Application contains certain information that is entitled to confidential protection under a suite of state and federal laws and regulations. This information also appears in electronic shapefiles provided to the Office, and Staff of the New York State Department of Public Service (NYS DPS) and New York State Department of Environmental Conservation (NYS DEC) to aid in their review of certain Application data. The Applicant requests confidential treatment of the

following information in all places in which it appears in the Application and pre-application materials shared with the Office and State agencies:

- (1) the location of archaeological resources pursuant to New York State Parks, Recreation and Historic Preservation Law § 14.07;
- (2) trade secret and/or confidential commercial information pursuant to New York State Public Officer's Law ("POL") POL § 87(2)(d);
- (3) information pertaining to the location of endangered, protected, threatened or rare animal species or rare/protected plants pursuant to New York State Environmental Conservation Law ("ELC") § 3-0301(2)(r), POL § 87(2)(a), and the Protective Order in this proceeding;
- (4) information that, if disclosed, would constitute an unwarranted invasion of personal privacy pursuant to POL §§ 87(2)(b) and 96(1)(c); and
- (5) critical energy infrastructure information (CEII) and critical infrastructure information (CII) pursuant to POL §§ 86(5) and 89(5)(a)(1-a) and the Protective Order issued in this proceeding.

II. Legal Standard

A. Location of Archaeological Resources

POL § 87(2)(a) grants an exemption from disclosure for records that are specifically identified as protected from disclosure under other provisions of state or federal law. Federal and State historic preservation laws contain provisions authorizing agencies to withhold from disclosure information on the location of archeological sites to protect against possible damage. In particular, New York State Historic Preservation Law § 14.07 authorizes the withholding of information on archeological sites from the public where sites "may be damaged by unauthorized investigators if their locations be generally publicized." *See* 9 NYCRR § 427.8; *see also* 54 USC § 307103(a) (authorizing federal agencies to withhold information from disclosure if information about the location, character, or ownership of historic property may risk harm to the historic property). Consistent with these provisions, the Office has recognized the need to protect the location of archeological sites from disclosure. Specifically, 16 NYCRR § 1100-1.4(a)(6) requires that,

[i]n compliance with the provisions of Section 304 of the National Historic Preservation Act, and 9 NYCRR Section 427.8, information about the location, character, or ownership of a cultural resource shall not be disclosed to the public, and shall only be disclosed pursuant to an appropriate protective order. Such information shall clearly be marked and only included in applications filed with the Office. All other copies of the application served pursuant to section 1100-1.6(a) of this Part shall contain information noting the location of information redacted in accordance with Section 304 of the National Historic Preservation Act, and 9 NYCRR Section 427.8.

With respect to the Application, the Applicant seeks confidential protection of certain archaeological, historic, and cultural resource information contained in the following Application materials, and which is protected by state and federal law:

- Appendix 9-A: Cultural Resources Correspondence;
- Appendix 9-B: Phase IA Archaeological Survey;
- Appendix 9-C: Phase IB Archaeological Survey;
- Appendix 9-D: Unanticipated Discoveries Plan; and
- Appendix 9-E: Historic Resources Survey.

These Application materials summarize the results of the comprehensive review of archaeological and cultural resources within the area of the Project. These materials include pictures, figures, and descriptions of the specific location of any cultural resource surface finds identified during site investigations and the location and nature of any indigenous resources. This information was assembled for purposes of assessing the impact of the Project on cultural and archaeological resources and enabling the Applicant to design the Project to site Project components away from these resources to the maximum extent practicable, in consultation with the Office and the New York State Historic Preservation Office (“SHPO”). Disclosure of this information would facilitate identification of the specific location of this resource by the public, thereby increasing the risk of damage by third parties. Confidential treatment of this information would advance the State’s goal of protecting locations where archeological resources may be found to prevent harm to these resources by “unauthorized investigators.” The protection of these resources outweighs the public’s general interest in free access to government information.

B. Trade Secret and/or Confidential Commercial Information

POL § 87(2)(d) deems certain information exempt from disclosure when such information comprises “trade secrets” or records “submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.” This exemption protects the interest of a commercial enterprise by avoiding a significant competitive injury as a result of disclosure of information to a State agency, thereby fostering the State’s economic development efforts to attract business to the State. *See Matter of Encore Coll. Bookstores, Inc. v. Auxiliary Serv. Corp. of State Univ. N.Y at Farmingdale*, 87 N.Y.2d 410, 420 (1995).

“Whether information is a trade secret depends, in part, upon the ease or difficulty with which the information could be acquired or duplicated by others.” *Verizon New York Inc. v. New York State Pub. Serv. Comm’n*, 46 Misc. 3d 858, 872-73 (NY Sup. 2014), affirmed, 137 A.D.3d 66 (3d Dept. 2016) (quoting *Savannah Bank v. Savings Bank of Fingerlakes*, 261 A.D.2d 917, 918 (4th Dept.1999)).

Documents found to be trade secret are exempt from disclosure without further inquiry. *Verizon New York Inc. v. New York State Pub. Serv. Comm’n*, 137 A.D.3d 66 (3d Dept. 2016). “Thus, the rationale for not subjecting a trade secret to a further requirement of showing

‘substantial injury’ to the commercial enterprise’s competitive position likely stems from the fact that the definition of the term already takes into account that such information took considerable effort and resources to develop, has real economic value to the business and gives the business an advantage over competitors who are unaware of it.” *Verizon New York Inc. v. New York State Pub. Serv. Comm’n*, at 873.

Information is “confidential commercial information” where it is confidential or non-public information of a commercial nature and would, if disclosed, cause substantial competitive injury. *Encore Books*, 87 N.Y.2d at 420 (“because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under [Freedom of Information Act (FOIA)]. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA’s principal aim of promoting openness in government.”). Accordingly, the central inquiry with respect to confidential commercial information is the potential value of the requested information to competitors. *Id.*

With respect to the Application, the Applicant seeks confidential protection of the following information as trade secret and/or confidential commercial information:

- Exhibit 4: Real Property, selected redaction of Table 4-3.1 containing information pertaining to the status of the Applicant’s contracts and contract negotiations with landowners;
- Appendix 5-F: Site Suitability Report, selected redaction of information containing information pertaining to specifications of different turbine designs which information is treated as confidential by the third-party preparer and which the Applicant obtained at private expense for business use;
- Appendix 5-G: Wind Turbine Technical Manuals, selected redaction of information containing specifications of different turbine designs which information is treated as confidential by the third-party preparer and which the Applicant obtained at private expense for business use;
- Appendix 7-I: Turbine Noise Data Sheets, selected redaction of information containing specifications of different turbine designs, which information is treated as confidential by the third-party preparer and which the Applicant obtained at private expense for business use;
- Appendix 7-M: Noise Modeling Files, containing OpenWind modeling files used to produce the noise modeling analysis for particular turbine specifications, which information is treated as confidential by the third-party preparer and which the Applicant obtained at private expense for business use;
- Appendix 8-B: Shadow Flicker Analysis, selected redactions of shadow flicker information, which information is treated as confidential by the third-party preparer and which the Applicant obtained at private expense for business use;

- Exhibit 18: Socioeconomic Effects, selected redactions of text and tables containing job earnings, economic impact analyses, and operation and maintenance costs incurred by the Applicant which were gathered, modeled, analyzed, prepared, and in some cases, negotiated, by the Applicant for business use within the competitive energy market;
- Appendix 23-A: Decommissioning and Site Restoration Plan, containing a compilation of financial information pertaining to the total cost of the Project and the cost of decommissioning and site restoration; and
- Project geospatial data files.

These Application materials contain economic analyses, cost figures, contract information, technical specifications and related analyses, and similar information that is used in the Applicant's business and which provides an opportunity to obtain an advantage over competitors who do not know or use it. This information is critical to the Applicant's ability to develop competitive generation projects. Assembling this information required considerable investments of time and capital, is treated as confidential by the Applicant (and in some cases, the third-party preparer), and is not known to others. Accordingly, this information could not be readily obtained or duplicated by others without the Applicant's consent, but obtaining such information would be valuable to the Applicant's competitors who could use such information to undermine the Applicant's position in the competitive power market to gain a competitive advantage. Accordingly, the Applicant requests that this information be treated as trade secret, and therefore, exempt from disclosure.

Pricing and cost information, information pertaining to the Applicant's contract negotiations, and technical specifications are entitled to trade secret protection because such information is used in the Applicant's business and is data that provides an opportunity to obtain an advantage over competitors who do not know or use it. This information was generated through the use of proprietary company formulas and strategies that are unknown to others outside of the company. Additionally, some information was obtained by the Applicant only after obtaining requisite authorizations from the third-party preparer of the information. Information relating to the cost of constructing the Project is not known or available to competitors and is closely guarded by the Applicant to protect its competitive position. This information was compiled, gathered, developed, generated, and analyzed by the Applicant or its consultant and involved significant investments of time, resources, human capital, and business expertise that is not available to other companies. Release of this information would compromise the Applicant's ability to compete in the marketplace.

Even if this information was not a trade secret, it would be entitled to protection as confidential commercial information which, if disclosed, would cause the Applicant substantial competitive and economic injury. The analyses, projections, pricing, contract information, cost information, and technical specifications contained in the Application materials described above are non-public information which was developed at a substantial cost to the Applicant to conduct the Applicant's business. Such information is commonly considered confidential information of a commercial nature and should be protected from disclosure.

C. Information Related to Endangered, Threatened, or Protected Species

POL § 87(2)(a) grants an exemption from disclosure for records that are specifically identified as protected from disclosure under other provisions of state or federal law. ECL § 30301(2)(r) specifically authorizes the New York State Department of Environmental Conservation to “deny access to inspection of records which identify locations of habitats of species” designated as endangered, threatened, or species of special concern under ECL § 11-0535, plants protected under ECL § 9-1503, or “any other species or unique combination of species of flora or fauna where the destruction of such habitat or the removal of such species therefrom would impair their ability to survive.” Further, pursuant to the Protective Order in this proceeding, “Protected Information” includes “any information learned on any site visit to the project area about the location of any threatened or endangered species, or species of special concern, or location or characteristics of the habitat of such species.” ORES Permit Application Number 24-00103, *Application of Hecate Energy Columbia County 1, LLC*, Ruling Adopting Protective Order (issued April 29, 2024) at ¶ 2 (the “Protective Order”).

The State has determined that environmental protections are afforded when certain information pertaining to protected species is kept confidential, including information pertaining to where protected species live, roost, gather, or winter. Such information is treated as confidential to prevent injury or death by hunters or disturbance of critical habitat by visitors. The protection of such information outweighs the public’s general interest in free access to government information. *See* Case 12-T-0248, *New York State Electric & Gas Corp.*, Ruling Granting Requests for Protection of Information Concerning Critical Electrical Infrastructure and Rate, Threatened, or Endangered Species (Oct. 17, 2013).

The requester need only show that data or documents provided to a state agency contain information relating to the habitat of endangered, protected or threatened species. If such information is in fact contained therein, the agency shall afford the requested confidential treatment.

With respect to the Application, the Applicant seeks confidential protection of certain protected species information contained in the following materials, which is protected from disclosure under state law:

- Appendix 11-B: Wildlife Species List;
- Appendix 12-A: Wildlife Site Characterization Report;
- Appendix 12-B: Wintering Grassland Raptor Survey;
- Appendix 12-C: Grassland Breeding Bird and Marsh Bird Surveys;
- Appendix 12-D: Bat Mist Net Report;
- Appendix 12-E: Agency Correspondence;
- Appendix 12-F: Avoidance and Minimization Measures for Species of Special Concern;

- Appendix 12-G: Net Conservation Benefit Plan; and
- Associated shapefiles.

These Application materials reference the presence or absence of protected species in a particular area. Certain of these Application materials were prepared for the purpose of providing an overview of the wildlife conditions within the area of the Project, and therefore necessarily contain significant information pertaining to endangered, protected, threatened, rare, or special concern species and their habitats, including the presence or absence of those species in a particular area, the use by those species of a certain habitat, and/or the location of critical habitat. This information is entitled to confidential treatment under ECL § 3-0301(2)(r) without any further showing.

D. Personal Privacy Information

POL § 87(2)(a) provides an exemption from public disclosure for records or portions thereof that are specifically exempted from disclosure by state or federal statute. POL § 87(2)(b) provides an exemption from public disclosure for records or portions thereof that, if disclosed, would constitute an unwarranted invasion of personal privacy. Further, the New York State Personal Privacy Protection Law, POL § 96(1)(c), prohibits an agency from disclosing any personal information unless such disclosure is subject to disclosure under the Freedom of Information Law, except where such disclosure would constitute an unwarranted invasion of personal privacy, as defined in POL § 89(2)(a). “Personal information” is defined as “any information concerning a [natural person about whom personal information has been collected by an agency] which, because of name, number, symbol, mark or other identifier, can be used to identify that data subject.” POL §§ 92(3), 92(7).

Pursuant to POL § 89(2)(a), in the absence of guidelines promulgated by the Committee on Open Government regarding deletion of identifying details or withholding of records to prevent unwarranted invasions of personal privacy, an agency may delete identifying details when it makes records available. POL § 89(2)(b) provides, in pertinent part, that an unwarranted invasion of personal privacy includes, but shall not be limited to: (1) the release of lists of addresses if such lists would be used for solicitation or fund-raising purposes; (2) disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it; and (3) disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law. Accordingly, POL § 89(2) contemplates that the release of personal email addresses, addresses, and cell-phone numbers may constitute an unwarranted invasion of personal privacy where the release could result in solicitation or personal hardship.

With respect to the Application, the Applicant seeks confidential protection of the following information as personal information protected from disclosure:

- Appendix 2-D: Community Meeting Sign-In Sheets

These Application materials contain a list of names of individuals who attended the pre-application community meeting, including their personal phone numbers, email addresses, and mailing addresses. POL § 89(2)(c) provides that disclosure will not constitute an unwarranted invasion of personal privacy when, in pertinent part, identifying details are deleted. Accordingly, to avoid the potential disclosure of personal information which, if disclosed, may constitute an unwarranted invasion of personal privacy, the Applicant has redacted the names, personal email addresses, phone numbers, and mailing addresses in Appendix 2-D.

E. Critical Infrastructure Information and Critical Energy Infrastructure Information

POL § 86(5) defines “critical infrastructure” as “systems, assets, places or things, whether physical or virtual, so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare, or security of the state, its residents or its economy.” POL § 87(2) grants an exemption from disclosure for records which, if disclosed, “could endanger the life or safety of any person” and records which, if disclosed, “would jeopardize the capacity of an agency or entity” to ensure the “security of its information technology assets,” including electronic information systems and infrastructure. *See* POL §§ 87(2)(f), (i).

A person or entity making a submission that contains CEII may request protection of that information from disclosure pursuant to POL § 89(5)(a)(1-a). The State has determined that the public interest is best served by maintaining CEII as strictly confidential, even if the public is denied access to such information. *See* Case 06-T-0650, *Application of New York Regional Interconnect, Inc.*, Ruling Granting Protection for Critical Energy Infrastructure Information (July 31, 2008) (disclosure of System Reliability Impact Study (SRIS) “has the potential to lead to disruption of New York’s power system, which could endanger the life and safety of the public”); Case 08-T-0746, *Application of the Village of Arcade and Noble Allegany Windpark, LLC*, Ruling Granting Request for Confidential Status (July 30, 2008) (finding that all of the SRIS except the Executive Summary and Sections 1 and 2 of the SRIS should be exempted from disclosure); Case 08-T-0034, *Application of Hudson Transmission Partners, LLC*, Ruling Granting Protection for Critical Energy Infrastructure Information (Apr. 25, 2008); Case 07-T-0140, *Application of Noble Wethersfield Windpark, LLC*, Ruling Granting Protection from Disclosure for Critical Infrastructure Information (Mar. 15, 2007).

In addition, documents such as the SRIS, or similar system reliability analyses, required for all proposed Major Renewable Energy Facilities are routinely considered confidential CEII because they include information related to transformer settings, potential weaknesses in the system, overhead transmission standards, and other similar information that qualifies as critical infrastructure information. Furthermore, NYISO considers its power flow, stability and short-circuit data—which are included in the SRIS and similar system reliability analyses—to be critical energy infrastructure information and restricts access to this information to parties who agree not to disclose the data to other parties.

Furthermore, the Protective Order in this proceeding provides that “[a]ny Site Security Plan is “critical infrastructure information” as defined by POL § 86(5) and is exempt from disclosure pursuant to POL § 87(2)(f) and (i)...Any Site Security Plan is exempt from the sharing

of Protected Information procedures of this Order.” *See* Protective Order Para. 2(b). Accordingly, any Site Security Plan must be provided directly to ORES staff. *See* Protective Order Para. 10(b).

Critical infrastructure information (CII) is not limited to information pertaining to electrical system infrastructure. Critical infrastructure includes any “systems, assets, places or things, whether physical or virtual, so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare, or security of the state, its residents or its economy.” POL § 86(5). The New York State Department of Health (NYSDOH) considers the public water supply system to be critical infrastructure. NYSDOH requires that information about drinking water wells be protected from disclosure to ensure safe drinking water and to protect public health.

With respect to the Application, the Applicant seeks confidential protection of the following information as CEII or CII:

- Appendix 6-B: Site Security Plan;
- Appendix 13-D: Approximate Private Well Locations;
- Appendix 21-A: Non-Material Modification Confirmation; and
- Appendix 21-B: Material Modification Assessment Consultant Report

Appendices 6-B, 21-A, and 21-B contain information pertaining to the system reliability analysis, power flow, stability, short-circuit data and information related to transformer settings, potential weaknesses in the State grid system, and/or transmission constraints that are routinely considered CEII, as well as the proposed Site Security Plan for the Project. Appendix 13-D contains information about private drinking water wells. This information should be treated as strictly confidential and should be protected from disclosure. Due to the nature of the system reliability analysis, and the sensitivity of the information involved, the above-listed documents containing CEII have not been uploaded to DMM, but rather, provided to authorized Office staff, consistent with standing requirements for handling this sensitive data.

III. Conclusion

For the reasons set forth above, the Application materials identified by the Applicant should be exempted from public disclosure. Please contact the undersigned with any questions.

Respectfully,



Noah C. Shaw
Sarah M. Main
Foley Hoag LLP
Attorneys for Valcour Bliss NewCo, LLC

Enclosures

Cc: ORES (via DMM, mail, email, and USB drive)
Party List (via DMM and email)



Article VIII Major Renewable Energy Facility Permit Application Form

Date:

Section 1: General Facility Information

Facility Name:	Bliss Wind Repowering Project	
Facility Location:	Eagle, Wyoming County, New York	
Facility Website:	https://www.aes.com/new-york/project/bliss-wind	
Article VIII Matter No:	23-03030	Article 10 Case No (if applicable):

Facility Type:

- Solar Facility
- Wind Facility
- **Other: _____

** Consultation with the Office is required at least one (1) year prior to filing an application pursuant to 19 NYCRR §900-1.3(i)(1)

Nameplate Capacity:

Other Components:

- Battery Energy Storage System
- Electric Transmission Facilities (<10 miles in length)

Application Type:

- New Article VIII Application
- Article 10 Transfer Application with completeness determination
- Article 10 Transfer Application without completeness determination

Applicant Contact Information:

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Street Address:	3700 State Route 78
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Applicant Parent Company Contact Information: (if applicable)

Firm Name:	ACE Development Company, LLC
Street Address:	2180 South 1300 East, Suite 600
City, State, Zip Code:	Salt Lake City, UT 84106
Phone Number:	(866) 757-7697

Applicant Legal Representative Contact Information:

Firm Name:	Foley Hoag LLP
Contact Name:	Noah Shaw
Street Address:	1301 Avenue of the Americas, 25th
City, State, Zip Code:	New York, NY 10019
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Section 2: Description of the Applicant

The Applicant is Valcour Bliss NewCo, LLC, a wholly owned subsidiary of ACE Development Company, LLC (AES). AES was founded in 1981, went public in 1991, and began operating in New York in 1999. AES is the fifth largest solar developer in the world and the world's leader in battery-based energy storage. AES signs agreements for 2 to 3 gigawatts of renewable energy each year. AES's current portfolio in New York includes 238 megawatts of operating solar projects and 612 megawatts of wind energy across 64 operational renewable energy projects. AES possesses the project development experience, technical expertise, and financial resources and commitment to deliver the planned Valcour Bliss Wind Repowering Project in furtherance of the goals of New York's Climate Leadership and Community Protection Act enacted in 2019. Rigorous screening and site selection, collaborative stakeholder engagement, and discipline throughout the construction and operations phases have been the basis for AES's success in developing previous renewable energy projects.

Section 3: Brief Description of the Facility

The Bliss Wind Repowering Project is an approximately 110.5 MW wind energy generation facility located in the Town of Eagle, Wyoming County, New York, that will consist of new wind turbines, access roads, buried electric collection lines, collection substation facility improvements, temporary laydown and parking, permanent meteorological towers, and an aircraft detection lighting system tower. The Repowered Facility will reuse other existing aboveground components, including overhead collection lines, access roads, an operations and maintenance building, a 34.5-kilovolt (kV) to 115 kV collection substation; and a point of interconnection switchyard station owned by National Grid.

Section 4: Description of the Facility Design and Layout

The Repowered Facility will be sited almost entirely within the boundary of the Existing Facility; however, the Repowered Facility will comprise fewer wind turbines (up to 34 turbines) than the Existing Facility (67 turbines). The Repowered Facility will reuse much of the Existing Facility infrastructure, including access roads, collector lines, and substation. The Facility Site is within the town of Eagle's Agricultural/Rural Residential zoning district; therefore, the Repowered facility will be consistent with the allowable land uses defined in the Town of Eagle's zoning codes, with adherence to special use permit and site plan review and other applicable requirements.

The Repowered Facility aboveground interconnections include the collection substation, switchyard station, and overhead collection circuits tied to the Existing Facility, and would be visually similar in nature to the existing transmission lines and other electrical grid infrastructure in the area. The collector lines throughout the wind turbines and connecting to the collection substation are located primarily underground. To minimize environmental and visual impacts, the Applicant will reuse existing collection lines and place new underground electrical collection lines in areas of existing disturbance where practicable.

Valcour Bliss Newco, LLC – Article VIII Application Service List

Matter No.: 23-03030: Application of Valcour Bliss NewCo, LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Repower and Operate the Bliss Wind Repowering Project, a 110.5-Megawatt (MW) Wind Generation Facility Located in the Town of Eagle, Wyoming County, New York.

Name & Address	Number of Physical Copies	Number of Electronic Copies on USBs
<p>Office of Renewable Energy Siting and Electric Transmission Zeryai Hagos, Executive Director Attn: Applicant Review W. A. Harriman Campus Building 9, Rear Dock 1220 Washington Avenue Albany, NY 12226</p>	<p>1 hard copy of public documents; 1 hard copy of confidential documents</p>	<p>2 USBs each containing: 1 copy of public documents; GIS data files; Openwind data files; 1 copy of confidential documents</p>
<p>Chief Administrative Law Judge James McClymonds W. A. Harriman Campus Building 9, Rear Dock 1220 Washington Avenue Albany, NY 12226</p>	<p>1 hard copy of public documents; 1 hard copy of confidential documents</p>	<p>1 USB containing: 1 copy of public documents; GIS data files; Openwind data files; 1 copy of confidential documents</p>
<p>New York State Department of Environmental Conservation Sean Mahar, Interim Commissioner Attn: Michael Higgins Division of Environmental Permits Central Office 625 Broadway Albany, NY 12233</p>	<p>1 hard copy of public documents</p>	<p>1 USB containing: 1 copy of public documents</p>
<p>Julie Barrett O'Neil Region 9 Regional Director New York State Department of Environmental Conservation</p>	<p>No physical copy</p>	<p>1 USB containing: 1 copy of public documents</p>

700 Delaware Avenue, Buffalo, NY 14209		
New York State Department of Public Service Attn: Noreena Chaudari Empire State Plaza Agency Building 3 Albany, NY 12223-1350	1 hard copy of public documents	1 USB containing: 1 copy of public documents
Commissioner Richard Ball, New York State Department of Agriculture and Markets Attn: Tara Wells 10B Airline Drive Albany, NY 12235	No physical copies	1 USB containing: 1 copy of public documents
Commissioner James McDonald New York State Department of Health ATTN: William G. Sacks Senior Attorney, Bureau of Program Counsel Department of Health - Division of Legal Affairs 2468 Corning Tower Albany, NY 12237	No physical copies	1 USB containing: 1 copy of public documents
Commissioner Marie Therese Dominguez New York State Department of Transportation NYS Department of Transportation 50 Wolf Road Albany, NY 12232	No physical copies	1 USB containing: 1 copy of public documents
Commissioner Pro Tem Randy Simons NYS Office of Parks, Recreation, and Historic Preservation Albany NY, 12238	No physical copies	No USB Public and confidential copies of Exhibits 8 and 9 and associated Appendices and Figures (except for redacted copies) provided to NYS Office of Parks, Recreation,

		and Historic Preservation via the State Historic Preservation Office's Cultural Resource Information System (CRIS)
New York State Attorney General Letitia James Office of the Attorney General, The Capitol, Albany, NY 12224-0341	No physical copies	1 USB containing: 1 copy of public documents
Wyoming County Attn: Rhonda Pierce, County Administrator 143 N Main Street, Suite 104 Warsaw, NY 14569	1 hard copy of public documents	1 USB containing: 1 copy of public documents
Town of Eagle Attn: Michael Roche, Town Supervisor 3378 School Street Bliss, NY 14024	1 hard copy of public documents	1 USB containing: 1 copy of public documents
Town of Eagle Attn: Stacy Prevorse, Town Clerk 3378 School Street Bliss, NY 14024	1 hard copy of public documents	1 USB containing: 1 copy of public documents
Eagle Free Library Attn: Library Director 3413 School Street Bliss, NY 14024	1 hard copy of public documents	1 USB containing: 1 copy of public documents

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