

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 10-T-0139 - Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

NOTICE SOLICITING COMMENTS

(Issued February 12, 2024)

On April 18, 2013, the Public Service Commission (Commission) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holders), authorizing, subject to conditions, the construction of a High Voltage, Direct Current transmission line extending approximately 330 miles from the New York/Canada border to a converter station in Astoria, Queens pursuant to Public Service Law (PSL) Article VII. Pursuant to PSL Section 123(2), the Commission has since granted several amendments to the Certificate.

In a petition filed on February 9, 2024 (February 2024 Amendment Petition), pursuant to PSL Section 123(2), the Certificate Holders request a Certificate amendment that would authorize changes to Condition 95(a)(i). They state that the requested changes relate to the burial depth requirement within the Maintained Federal Navigation Channel in the Hudson River. They indicate that the requested amendment would resolve an inconsistency between Certificate Condition 95(a)(i), which requires a burial depth of fifteen feet below the federally authorized depth, and the permit issued by the United States

Army Corps of Engineers under the Clean Water Act Section 404 and the Rivers and Harbors Act Section 10, which requires a burial depth of nine feet below the Maintained Federal Navigation Channel in the Hudson River. The Certificate Holders also indicate that the amendment is needed due to engineering and environmental constraints that make a fifteen-foot burial depth impracticable.

Currently, Certificate Condition 95(a)(i) reads as follows:

95. The Certificate Holders shall use installation techniques for underwater cable installation activities that are appropriate for the prevailing substrate conditions.

a. Cable installation in the Hudson, Harlem, and East Rivers shall be designed and installed to meet the following criteria:

(i) Where the cables shall be located within the limits of the maintained Federal Navigation Channels (a) in the Harlem, Hudson, and East Rivers, the Certificate Holders shall install the cables to a depth of at least fifteen (15) feet below the federally-authorized depth of the Federal Navigation Channel and (b) in the Harlem River, the Certificate Holders shall install the cables to those elevations below the federally-authorized depth of such Channel that have been specified by the USACE in Permit NAN-2009-0189 and by the New York State Department of State in its determination of March 3, 2014 made pursuant to the federal Coastal Zone Management Act.

If amended, Certificate Condition 95(a)(i) would read as follows:

(i) Where the cables shall be located within the limits of the maintained Federal Navigation Channels (a) in the Hudson and East Rivers, the Certificate Holders shall install the cables to a minimum top of cable depth of at least nine (9) feet below the federally-authorized depth

of the Federal Navigation Channel and (b) in the Harlem River, the Certificate Holders shall install the cables to those elevations below the federally-authorized depth of such Channel that have been specified by the USACE in Permit NAN-2009-0189 and by the New York State Department of State in its determination of March 3, 2014 made pursuant to the federal Coastal Zone Management Act.

PLEASE TAKE NOTICE that comments on the February 2024 Amendment Petition are requested **by March 4, 2024**. Comments should be submitted electronically, by going to www.dps.ny.gov, clicking on "File Search" (located under the heading "Commission Files"), entering "10-T-0139" in the "Search by Case Number" field, and then clicking on the "Post Comments" box located at the top of the page. Those unable to file electronically may mail their comments to the Honorable Michelle L. Phillips, Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350.¹ Comments submitted to the Secretary will be posted on the Department's website and will be included in the official case record.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

¹ Filing electronically is strongly encouraged.