

NEW YORK STATE BOARD ON ELECTRIC  
GENERATION SITING AND THE ENVIRONMENT

CASE 17-F-0282 - Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Proposed Wind Energy Project, Located in Allegany, Cattaraugus, and Wyoming Counties, New York, in the Towns of Arcade, Centerville, Farmersville, Freedom, New Hudson, Rushford, and Yorkshire.

RULING ON SCHEDULE

(Issued July 17, 2023)

TARA A. KERSEY and DAKIN D. LECAKES, Examiners:

Alle-Catt Wind Energy LLC (ACWE), an affiliate of Invenergy Renewables LLC, initiated this matter on May 15, 2017, when it submitted a letter to the Secretary indicating its intent to file an application with the New York State Board on Electric Generation Siting (Siting Board) for a Certificate of Environmental Compatibility and Public Need, with Conditions (Certificate) to construct and operate a commercial-scale wind power project in the counties of Allegany, Cattaraugus, and Wyoming (the Facility).

On December 15, 2018, ACWE filed an application with the Siting Board seeking authority to build the Facility. An evidentiary hearing was conducted from December 2 through December 5, 2019. A Certificate was granted to it by the Siting Board on June 3, 2020.

On January 30, 2023, ACWE filed a Petition for Amendment of the Certificate along with supplements on February 28, March 9, June 5 and June 12, 2023.

By letter dated July 6, 2023, the Secretary notified ACWE that its request for a waiver of local law required a

substantive finding by the Siting Board and referred the matter for further processing on such waiver issue under Administrative Law Judge oversight.

As set forth in the Secretary's July 6, 2023 letter, there are no factual matters that require a hearing. Accordingly, we have before us only the legal questions of what local laws apply to ACWE's amendment request, whether any of the applicable laws require a waiver, and, if so, whether ACWE has demonstrated entitlement to such waiver.

We hereby adopt the following procedural schedule:

All initial briefs on the legal questions identified are due by August 9, 2023. Any reply briefs are due by August 23, 2023.

(SIGNED)

TARA A. KERSEY

(SIGNED)

DAKIN D. LECAKES