

# Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205

Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

Laura K. Bomyea, Esq.  
Writer's Telephone Extension: 249  
lbomyea@youngsommer.com

August 20, 2019

**Via Electronic Filing**

Hon. Kathleen H. Burgess, Secretary  
New York State Department of Public Service  
Agency Building 3  
Albany, NY 12223

***Re: Case No. 16-F-0546, Proposed Stipulations for Heritage Wind, LLC***

Dear Secretary Burgess,

Our office represents Heritage Wind, LLC (“Heritage Wind”), a subsidiary of Apex Clean Energy, which is proposing to construct an approximately 150 megawatt (MW) major wind electric generating facility in the Town of Barre, Orleans County, New York. Enclosed please find Proposed Stipulations negotiated among interested parties, including State agencies, the host communities, and local citizens/environmental groups, such as Clear Skies Above Barre, the Rochester Birding Association and Genesee Valley Audubon. Pursuant to the notice approved by Your Honors, interested persons will have 30 days to submit comments on the Stipulations (through **September 19, 2019**) before they may be executed by the Parties.

The Proposed Stipulations for the Heritage Wind Project consist of two main documents: (1) a redlined scoping document showing all changes made to the scope and methodology of studies since the filing of the Preliminary Scoping Statement which come as a result of stakeholder input and stipulations negotiations with parties, and (2) a formal Stipulation to be signed by the Parties. The Stipulations consist of a brief document indicating Party agreement that, as presented, the Final Scoping Statement represents the full suite of studies, and methodologies for those studies, required for the Heritage Wind Project’s Application. By utilizing this approach, the Applicant seeks to make the Stipulations process more accessible to members of the public who may have seen—and even commented on—the initial PSS document, and who will now have the ability to see how the scoping process has evolved since the PSS was filed. Reflecting months of negotiation among the parties, the revisions agreed to during the Stipulations are easily identifiable as redlines in the FSS document, and provide a more accessible view of what has been agreed to among the Parties.

Please note that most of the figures and appendices referred to in the FSS document were provided in the PSS, and have not been revised for purposes of stipulations, except for the

attached Updated Facility Layout. Many of the PSS figures and appendices will be superseded by newer versions to be provided in the Application. However, given that the purpose of this FSS document is to set forth the scope and methodology of studies, the PSS figures and appendices, though potentially outdated, are referred to as originally presented in order to provide context for stipulations discussions.

For more current depictions of the proposed Facility layout and mapping, we direct interested persons to the updated Facility layout figure, and to those figures to be provided in the forthcoming Article 10 Application, to be filed in the fall of 2019.

Please do not hesitate to reach out to me if you have any questions.

Very truly yours,

*/s/ Laura K. Bomyea*

James A. Muscato, II

Laura K. Bomyea

Young/Sommer LLC

Attorneys for Heritage Wind, LLC

Enclosure

CC: Party List