

NEW YORK STATE BOARD ON ELECTRIC  
GENERATION SITING AND THE ENVIRONMENT

CASE 15-F-0122 - Application of Baron Winds, LLC for a  
Certificate of Environmental Compatibility and  
Public Need to Construct a Wind Energy  
Facility.

RULING REVISING PROCEDURAL SCHEDULE

(Issued April 18, 2023)

MAUREEN F. LEARY, Presiding Examiner:

This ruling revises the procedural schedule established in the February 14, 2023 procedural ruling in this proceeding to consider the Petitions filed by Baron Winds, LLC (Baron), pursuant to 16 NYCRR §§ 1000.16 and 1000.17, to amend and partially transfer the Certificate of Environmental Compatibility and Public Need, with Conditions (Certificate) issued by the Board on Electric Generation Siting and the Environment (Siting Board) on September 12, 2019.

On April 17, 2023, the Presiding Examiner conducted a conference with the parties to discuss the need to revise the procedural schedule. After the opportunity for all parties to provide input, the following procedural schedule is hereby established:

<b>Statements of Contested Issues</b>	<b>Wednesday, May 10, 2023</b>
<b>Pre-Hearing Status Conference</b>	<b>Monday, May 15, 2023</b>
<b>Pre-Hearing Submissions</b>	<b>Monday, May 22, 2023</b>
<b>Pre-Hearing Motions</b>	
<b>Non-Testifying Witness Affidavits</b>	
<b>Corrections to Testimony</b>	<b>Friday, May 26, 2023</b>

**Evidentiary Hearing<sup>1</sup>**

**Monday, June 5, 2023**

With respect to the foregoing required submissions, the parties shall serve each party and the Presiding Examiner with such submissions by email, and shall file same with the Secretary, **by no later than 4:30 p.m.** on the deadlines noted above, subject to the following instructions.

Statements of Contested Issues

Statements of Contested Issues shall include references, with appropriate citations, to supporting testimony, exhibits, discovery responses, and/or other evidence related to the contested issue. Any party not disputing any aspect of the relief requested in the Petitions to Amend and Transfer the Certificate shall submit a statement notifying the Presiding Examiner and all other parties of its position by the deadline noted.

Pre-hearing Submissions

Pre-hearing submissions shall include a proposed consensus Exhibit List containing the petitions, supporting exhibits, pre-filed testimony and exhibits, discovery responses, and any other documents that should be included in the formal hearing record. Additional documents not previously filed or submitted during the proceeding shall not be included on the Exhibit List, but may be the subject of a formal motion requesting that they be included in the hearing record. The Exhibit List shall be in Excel format and shall contain a caption or heading with the case name, case number, and date; shall list exhibits in reverse chronological order, with the

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<sup>1</sup> The evidentiary hearing will be held at the Department of Public Service offices located at 3 Empire State Plaza, Albany, New York. Formal notice of the hearing and the starting time and location will be set forth in a separate notice to be issued by the Secretary.

most recently filed documents listed first; and shall have the following headings:

Exhibit Number  
DMM Number  
Date Filed  
Sponsoring Party  
Identification/Detailed Description of Document<sup>2</sup>  
Number of Pages  
Confidential Designation  
Notes

**Baron is responsible for drafting and circulating to all parties the proposed Exhibit List by no later than Wednesday, May 17, 2023. All parties shall review the proposed Exhibit List and shall provide Baron with any additional documents that should be included in it by no later than Friday, May 19, 2023 to enable Baron's submission to the Presiding Examiner and all parties by May 22, 2023.** Nothing in this ruling is intended to preclude the addition of exhibits at any time to the proposed Exhibit List and to the formal hearing record in this proceeding. The Presiding Examiner will be responsible for filing the final Exhibit List in DMM following the evidentiary hearing.

Pre-hearing submissions also shall include the submission by a party intending to conduct cross-examination of a list containing the names of the witness(es) that the party intends to cross-examine, which shall identify the specific subject areas and issues to be covered in cross-examination. The parties should endeavor to provide a consensus sequence of the witnesses expected to testify at the hearing.

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<sup>2</sup> The description of the hearing exhibit shall include sufficient detail to identify its contents, including but not limited to the names of witnesses or witness panels and the summary contents of any exhibits or discovery requests, with appropriate dates.

Pre-Hearing Motions

Pre-Hearing Motions shall be in writing, served on the Presiding Examiner and all parties, and filed with the Secretary. Any motion may be addressed in an oral ruling at the evidentiary hearing or at any time in a separate written ruling.

Non-Testifying Witness Affidavits

Affidavits of any non-testifying witness shall be filed and served in substantially the form attached to this ruling and shall adopt and affirming the petitions and supporting materials, pre-filed testimony and exhibits, and discovery responses. Each person identified in a discovery response as having prepared or assisted in the preparation of the response must submit an affirming affidavit identifying the specific discovery request in which preparation was provided, regardless of whether such Response was prepared alone or with others.

Post-Hearing Briefs

The dates for filing post-hearing briefs will be set at the close of the evidentiary hearing. The parties should endeavor to present a consensus schedule for filing post-hearing briefs at the close of the evidentiary hearing.

Adjournment of Revised Procedural Schedule

Nothing in this ruling is intended to preclude any party from requesting an adjournment to the commencement of the evidentiary hearing, but any such motion must be in writing, on notice to all parties. Such a request shall be in the form of a motion, shall set forth good cause and justification to delay the commencement of the evidentiary hearing, and shall propose a date for commencement of the evidentiary hearing or for the submission of a final settlement agreement and a proposed hearing date for consideration of such settlement agreement. The motion also shall identify the parties who oppose the

requested delay and the parties that support (or do not oppose) the requested delay. If the adjournment request is denied, the schedule established in this ruling will remain in effect.

(SIGNED)

MAUREEN F. LEARY



filed testimony and exhibits, corrected pre-filed testimony/exhibits, and Discovery Responses] identified above are true and correct and are the same that I would give, adopt, and affirm orally if I appeared and testified in person under oath at the hearing scheduled in this proceeding.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public  
Printed Name  
Signature/Stamp