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Michelle L. Phillips
Secretary

July 29, 2022

Via Electronic Mail

John W. Dax, Esq.
Hodgson Russ LLP
677 Broadway, Suite 301
Albany, New York 12207
jdax@hodgsonruss.com

Re: 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, and Rushford.

Dear Mr. Dax,

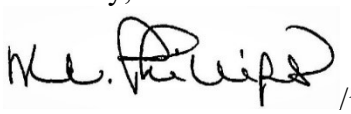
I received your letter dated July 27, 2022, requesting an additional extension of time for Alle-Catt Wind Energy LLC (ACWE) to comply with Conditions 62 and 63 of the *Order Granting Certificate of Environmental Compatibility and Public Need, with Conditions* (Order), issued June 3, 2020, in this proceeding. An extension until August 1, 2022 was previously granted on May 27, 2022.

Conditions 62 and 63 require, in relevant part, the filing of a proposed Net Conservation Benefit Plan (NCBP) for Bald Eagles and Northern Long-Eared Bats (NLEB). You state that ACWE is responding to NYS Department of Environmental Conservation's (DEC) outstanding requests on the Bald Eagle NCBP, and is now in the process of (i) renegotiating property agreements based on further consultations with DEC staff and (ii) exploring additional properties with potential mitigation value. For the NLEB NCBP, you state that ACWE is in the process of reviewing DEC's latest comments and incorporating alternative mitigation program elements into the current version of the NCBP. You advise that ACWE believes that an additional six months is the minimum amount of time that will be required to complete the process and reach agreements with DEC staff. Therefore, to complete the staff consultation process and submit the NCBP for approval, you are requesting an extension until January 31, 2023.

Please be advised that an extension, until January 31, 2023, is granted to Alle-Catt Wind Energy LLC to file a NCBP in compliance with Conditions 62 and 63 of the Order. This

extension is granted to promote the fair, orderly, and efficient conduct of this proceeding, and this ruling will be posted to the Department's website.

Sincerely,



/jrv

Michelle L. Phillips
Secretary