

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 21-T-0059 - Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law.

NOTICE OF JOINT PROPOSAL AND OPPORTUNITY FOR PUBLIC COMMENT

(Issued September 6, 2023)

On August 17, 2023, a Joint Proposal signed by Alle-Catt Wind Energy, LLC (Applicant), trial staff of the New York State Department of Public Service, and the New York State Department of Environmental Conservation was filed in the above-referenced case. The New York State Department of Agriculture and Markets filed a signature page agreeing to the Joint Proposal on August 24, 2023. The Joint Proposal contains the terms, conditions, practices, and guidelines recommended by the signatory parties for inclusion in a Certificate of Environmental Compatibility and Public Need that would authorize Applicant to construct, operate, and maintain a 10-mile 345 kilovolt (kV) transmission line and a new Point of Interconnection (POI) Switchyard that will connect the Applicant's approved wind generation project¹ to National Grid's 345 kV transmission system.

As described in more detail in the Joint Proposal, the proposed project consists of an approximately 10.2 mile, overhead 345 kV electric transmission line and related equipment in the Town of Freedom (approximately 6.2 miles) and the Town of

¹ Case 17-F-0282, Application of Alle-Catt Wind Energy for a PSL Article 10 Certificate, Order Granting Certificate of Environmental Compatibility and Public Need, With Conditions (issued June 3, 2020), Erratum Notice (issued July 1, 2020).

Yorkshire (approximately 4 miles) in Cattaraugus County, New York. The proposed project would connect the collection substation of the Alle-Catt Wind Energy Facility, located in the Towns of Freedom, Arcade, Centerville, Rushford, and Farmersville (Article 10 Facility), to the Niagara Mohawk Power Corporation d/b/a National Grid transmission system at a new 345 kV POI Switchyard to be built by the Applicant in the Town of Yorkshire.

A summary of the Joint Proposal, prepared by the Applicant, is attached to this Notice. The full Joint Proposal and related documents may be reviewed online at the Department of Public Service website, www.dps.ny.gov, by clicking on "File Search" (located under the heading "Commission Files") and entering "21-T-0059" in the box labelled "Search by Case Number."

PLEASE TAKE NOTICE that interested persons are invited to submit comments pertaining to the proposed project and the terms of the Joint Proposal. Comments should refer to "Case 21-T-0059" and be submitted **by October 2, 2023**. Comments may be submitted using one of the following methods:

Internet or Mail: Go to www.dps.ny.gov, click on "File Search" (located under the heading "Commission Files"), enter "21-T-0059" in the "Search by Case Number" field, and then click on the "Post Comments" box at the top of the page. Those unable to file electronically may mail their comments to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. All written comments will become part of the record considered by the Public Service Commission (Commission) and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the "Public Comments" tab.

Toll-Free Opinion Line: Individuals may choose to submit comments by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers, 24 hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Case 21-T-0059 Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for the Construction, Ownership and Operation of a Transmission Facility in the Towns of Freedom and Yorkshire, Cattaraugus County

SUMMARY OF THE JOINT PROPOSAL

Introduction

On February 10, 2021, Alle-Catt Wind Energy LLC (Applicant or ACWE), filed an application (Application) with the New York State Public Service Commission (PSC or Commission) for authorization under Public Service Law (PSL) Article VII to build and operate a transmission facility connecting the Collection Substation of the Alle-Catt Wind Energy Facility located in the Town of Freedom (Article 10 Facility), authorized by the New York Board on Electric Generation Siting and the Environment (Siting Board),¹ to the Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) transmission system. The Application was supplemented by filings dated April 28, 2021, and March 2, 2022.

The proposed transmission line and related equipment (Transmission Facility) consists of an approximately 10.2-mile 345 kilovolt (kV) electric transmission line to be located in the Towns of Freedom and Yorkshire in Cattaraugus County, New York. The Transmission Facility will connect the Article 10 Facility to a new 345 kV Point of Interconnection (POI) Switchyard to be built by ACWE in the Town of Yorkshire adjacent to National Grid's existing 345 kV transmission line between the Stolle Road and Five Mile Road Substations.

A procedural conference of the active parties was held virtually on April 12, 2022, and ACWE served a Notice of Impending Settlement Negotiations and Settlement Conference on May 17, 2022. Public Statement Hearings were held virtually before Administrative Law Judge (ALJ) Gregg Sayre on May 24, 2022 and June 28, 2022.

Joint Proposal

Confidential settlement negotiations were held virtually starting in May 2022 and running through August 2023. Active parties to the settlement discussions included the Applicant; staffs of the New York State Department of Public Service (DPS), New York State Department of Environmental Conservation (NYSDEC), and the New York State Department of Agriculture and Markets (AGM); the Towns of Yorkshire and Freedom; and Cattaraugus County (together, Parties). At the request of the Towns of Freedom and Yorkshire and Cattaraugus County, the Parties conducted a site visit on September 13, 2022. Following the site visit and receipt of comments from AGM, ACWE revised the proposed structure locations for the Transmission Facility, and provided the

¹ See 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, *Order Granting Certificate of Environmental Compatibility and Public Need, with Conditions*, June 3, 2020.

Parties with modified Figures 2-3 and 5-2 to the Application, a memorandum updating the visual impact assessment (VIA), a memorandum updating the visual impact on historic resources assessment, and a table providing specific explanations for the proposed structure relocations. The Parties discussed these revisions during a settlement negotiation meeting on February 27, 2023.

The Signatory Parties reached an agreement on a Joint Proposal in August 2023. The Joint Proposal recommends that the Commission grant the Applicant a Certificate of Environmental Compatibility and Public Need and identifies the need for the Transmission Facility (*i.e.*, to interconnect the Article 10 Facility to the State's transmission system); identifies the potential impacts that could result from the construction and operation of the Transmission Facility; and identifies measures for avoiding, minimizing, or mitigating those impacts. The Joint Proposal consists of ninety (90) paragraphs describing relevant issues and how they were resolved and includes nine (9) appendices including proposed findings and 121 proposed conditions.

The Commission's Review of the Joint Proposal

In rendering a decision on an application pursuant to Article VII, in accordance with PSL § 126, the Commission may grant a certificate for the construction or operation of a major utility transmission facility only if it finds and determines:

- 1) The basis of the need for the facility;
- 2) the nature of the probable environmental impact;
- 3) that the facility avoids or minimizes to the extent practicable any significant adverse environmental impact;
- 4) that the facility avoids or minimizes to the extent practicable any significant adverse impact on active farming operations that produce crops, livestock and livestock products;
- 5) what part, if any, of the line shall be located underground;
- 6) that such facility conforms to a long-range plan for expansion of the electric power grid;
- 7) that the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder, except those local laws that it may refuse to apply based on the applicable findings; and
- 8) that the facility will serve the public interest, convenience and necessity.

The Joint Proposal and its appendices support each of these findings.

Conclusion

For the reasons detailed in the Joint Proposal, the Signatory Parties support the Joint Proposal and urge the Commission to adopt it without modification.