

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on August 11, 2022

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard
David J. Valesky
John B. Maggiore

CASE 17-T-0816 - Petition of Central Hudson Gas and Electric Corporation for a Certificate of Environmental Compatibility and Public Need for the Rebuild of the Approximately 23.6 Mile H and SB Electric Transmission Lines to 115 kV Standards in the City of Kingston, and Towns of Ulster and Saugerties in Ulster County, and the Town of Catskill and Village of Catskill, Greene County.

ORDER APPROVING ENVIRONMENTAL MANAGEMENT
AND CONSTRUCTION PLAN SUBJECT TO CONDITION

(Issued and Effective August 11, 2022)

BY THE COMMISSION:

INTRODUCTION

On August 14, 2020, the Public Service Commission (Commission) issued a Certificate of Environmental Compatibility and Public Need¹ (Certificate) to Central Hudson Gas and Electric Corporation (Central Hudson or the Certificate Holder), to construct and operate a transmission project to rebuild and operate approximately 23.6 miles of two electric transmission

¹ Case 17-T-0816, Order Adopting Joint Proposal (issued August 14, 2020) (Certificate Order).

lines (the H and SB lines) in Ulster and Greene Counties (the Project or the Facility) pursuant to the requirements of Article VII of the Public Service Law (PSL).

The Project, as proposed and subsequently authorized by the Commission, consists of a rebuild of existing 69 kV transmission lines designated "H" and "SB." The rebuild will generally occur within an existing 23.6-mile-long right-of-way (ROW), with approximately 1.2 miles of the H line relocated to avoid the State designated Great Vly Wildlife Management Area. The H and SB lines connect the Hurley Avenue Substation in the Town of Ulster, Ulster County and the North Catskill Substation in the Town of Catskill, Greene County. The H and SB lines currently operate at 69,000 volts (69 kV). The rebuild design voltage will increase the lines' capability to 115,000 volts (115 kV), however, the lines will continue to operate at 69 kV until the increase in voltage is needed. The Certificate Order contains several requirements for compliance, including a requirement that the Certificate Holder submit for public review and Commission approval, plans detailing the facility design, construction and environmental controls (the Environmental Management and Construction Plan or EM&CP).²

The Certificate Holder filed its proposed EM&CP for approval on May 3, 2021. Public Notice of filing of the EM&CP for review and comment was published in a local newspaper and on the Commission's website. The 45-day comment period ended on June 17, 2021. Informal comments were submitted by the Department of Environmental Conservation (NYSDEC), the New York State Department of Agriculture & Markets (NYSDAM) and Department of Public Service Staff (DPS Staff). Central Hudson addressed these comments in its revised EM&CP filed on December 29, 2021, and provided additional

² Id., Joint Proposal, Appendix D, pp. 3 - 5 (Conditions 23 - 31).

revisions on June 10, 2022. In addition to the comments received during the EM&CP review, Central Hudson made additional modifications to the Project that were required by the state's stormwater management program.

Through this Order. The Commission approves the EM&CP so that the Certificate Holder may begin construction of the Project pursuant to the previously approved PSL Article VII Certificate.

THE EM&CP, COMMENTS AND RESPONSES

As filed on May 3, 2021, and revised on December 29, 2021, and June 10, 2022, the Certificate Holder's EM&CP provides both typical and site-specific techniques, procedures, and requirements to be followed in the development and construction of the Project by Central Hudson to ensure environmental protection and compliance with the Certificate. The EM&CP identifies and defines the various facilities and environmental features within the existing and new ROW; construction access; protective measures for streams, wetlands, agricultural lands, cultural resources, scenic resources, and recreational areas; and Central Hudson's organizational framework to ensure proper implementation of the EM&CP. The standards for the EM&CP are described in the Joint Proposal agreed upon by Central Hudson, New York State Department of Environmental Conservation, New York State Department of Agriculture & Markets and Department of Public Service. Upon notice of the Certificate Holder's May 3, 2021 EM&CP, the following comments were received.

NYSDEC

NYSDEC commented on various topics in the EM&CP. NYSDEC requested additional information and clarification on the wetland impacts, tree clearing and disposal, construction details, matting requirement in the Great Vly Wildlife

Management Area and access need. In addition, NYSDEC had several comments on the mapping symbology used on the Project plans. NYSDEC subsequently provided significant written comments to Central Hudson, as well as verbal comments during various meetings, and through document reviews with the Central Hudson regarding the Project's Stormwater Pollution Prevention Plan.

NYSDAM

NYSDAM commented on various topics in the EM&CP. NYSDAM provided comments on the matting and access, fencing and gates, and restoration of agricultural lands. In addition, NYSDAM had several comments on the zinc ribbon grounding installations on adjacent pipeline that are required by the project. NYSDAM subsequently provided significant written comments to Central Hudson, as well as verbal comments during various meetings, and through document reviews with Central Hudson concerning Project plans.

DPS Staff

DPS Staff provided significant comments concerning the EM&CP to the Central Hudson, both written and through participation in various field and document reviews with the Central Hudson. Many of the DPS Staff comments sought clarification and/or additional detail in the Project plans. DPS Staff suggested revisions to items such as grading and erosion control plans, culvert/construction access plans and Plan and Profile design. Items that DPS staff needed to be clarified included on- and off-ROW access routes, structure and work pad placement and environmental protections. The Certificate Holder adequately addressed all of DPS Staff's comments in the June 10, 2022 revised EM&CP.

LEGAL AUTHORITY

PSL §126(1) provides the Commission may not grant a Certificate for the construction or operation of a major utility transmission facility unless it shall find and determine among other things that the facility represents the minimum adverse environmental impact. The Certificate Order adopted by the Commission provides for approved specifications for the development of EM&CPs to be acceptable and appropriate.

DISCUSSION AND CONCLUSION

As noted above, after the Certificate Holder initially filed the EM&CP, DPS Staff NYSDAM, and NYSDEC provided numerous comments and suggestions regarding the Project's design, construction, component locations, and environmental impacts. The Certificate Holder submitted a revised EM&CP including text, Plan and Profile drawings and specifications that the Commission is advised adequately addressed the comments made by DPS Staff, NYSDAM, and NYSDEC and no other Party has provided comments.

Based upon a review of all the documents submitted, the agency comments received, and the responses and supplemental filings made by the Certificate Holder, the revised EM&CP for the Project is reasonable and is approved.

The Commission orders:

1. The Environmental Management and Construction Plan submitted by the Central Hudson Gas and Electric Corporation on May 3, 2021, and revised on December 29, 2021, and June 10, 2022, is approved subject to the following condition.

2. The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with Construction" letter signed by the Chief of the Environmental

Certification and Compliance Section of the Office of Electric,
Gas and Water.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary