

Brenda D. Colella
Partner

April 24, 2019

VIA ELECTRONIC FILING

Hon. Kathleen Burgess
Secretary to the Siting Board
New York Board on Electric Generation Siting and the Environment
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350

Re: **Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County**
Case No. 18-F-0325

NOTICE OF COMMENCEMENT OF STIPULATION PROCESS

Dear Secretary Burgess:

This law firm represents Danskammer Energy, LLC in the above-referenced Article 10 Proceeding. Danskammer Energy is proposing to repower its existing generating facility (the “Station”) located in the Town of Newburgh, Orange County, New York with a new combined cycle power generation facility (the “Project”), and is, accordingly, seeking a Certificate of Environmental Compatibility and Public Need (the “Certificate”) from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) pursuant to Article 10 of the Public Service Law (“PSL”) and the Siting Board’s Rules and Regulations under 16 NYCRR Part 1000.

Danskammer Energy filed a Preliminary Scoping Statement (“PSS”) for the Project on February 8, 2019. Comments on the PSS were subsequently filed, and Danskammer Energy timely filed its response to all comments on April 19, 2019. In the meantime, on April 3, 2019, Administrative Law Judges Belsito and Caruso convened a Pre-Application Procedural Conference to Consider Intervenor Funding Requests and to Initiate the Stipulation Process.

Please allow this letter to serve as notice of commencement of the pre-application stipulation process and the impending negotiations relating to such stipulations. Pursuant to 16 NYCRR § 1000.5(j), Danskammer Energy, as the Project applicant, may seek agreement by stipulation as to any aspect of the PSS and/or as to the methodology or scope of any study or program of studies made or to be made to support the Article 10 application (the “Stipulations Process”). Stipulations aid the Article 10 process by ensuring that the application submitted is complete and by narrowing the issues to be adjudicated, if any, during the hearing phase of the

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Article 10 process. Danskammer Energy anticipates discussing during the Stipulations Process the proposed scope and methodology of the studies, analyses and information required to be presented in the exhibits to the Article 10 application, as set forth in 16 NYCRR §§ 1001.1 et seq.

Danskammer Energy hereby requests that any party seeking to participate in the pre-application Stipulations Process notify the undersigned by May 6, 2019 by emailing Brenda Colella at bcolella@barclaydamon.com and indicating the intent to participate. Pursuant to Public Service Law § 163(5), the participation of Staff from the Department of Public Service (“DPS”), Department of Environmental Conservation (“DEC”), and Department of Health (“DOH”) (collectively, “Agency Staff”) is assumed. Agency Staff need not do anything further at this time.

Please be advised that the pre-application Stipulations Process is subject to the confidentiality protections and restrictions set forth in 16 NYCRR § 3.9(d). Among other things, Section 3.9(d) provides that “[p]articipating parties, their representatives and other persons attending settlement negotiations shall hold confidential such discussions [including any] admissions, concessions and offers to settle, and shall not disclose them outside the negotiations except to their principals, who shall also be bound by the confidentiality requirement” **Consequently, after May 6, 2019, all future notices and communications regarding the Stipulations Process will be served only on Agency Staff and those parties who have indicated their intention to participate in the pre-application Stipulation Process (“Stipulation Process Participants”).**

To facilitate the pre-application Stipulations Process, on or before May 10, 2019, Danskammer Energy will provide Draft Stipulations to the Stipulation Process Participants and will work with the participant group to set up a mutually agreeable schedule for review, comment upon, and revisions, if any, to the same. Danskammer Energy looks forward to working with the Stipulation Process Participants to reach agreements as to the scope and methodology of the studies and analyses, as well as required information for, the Article 10 Application.

Finally, an Affidavit of Service will be filed, indicating that this notice has been served, by U.S. regular mail, on the updated Master Stakeholder List. Also, all parties listed on the Siting Board’s DMM system in this case (the “DMM Party List”) will be served electronically.

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Accordingly, Danskammer Energy certifies that all appropriate persons and parties will have been notified of the pendency of the Stipulation Process as required by Section 3.9(a)(1)(iii) of the Public Service Commission's Rules of Procedure.

Respectfully submitted,

/s/ **Brenda D. Colella**

Brenda D. Colella

cc: DMM Party List as of April 24, 2019 (via electronic service)
Updated Master Stakeholder List (via U.S. regular mail)