



Agriculture and Markets

KATHY HOCHUL
Governor

RICHARD A. BALL
Commissioner

June 15, 2022

Via E-Mail

Honorable Anthony M. Belsito
Administrative Law Judge
New York State Department of Public Service
3 Empire State Plaza
Albany, NY 12223-1350

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Empire State Plaza
Agency Building Three
Albany, NY 12223-1350

Case 21-T-0340 -- Application of New York Power Authority and Niagara Mohawk Power Corporation d/b/a/ National Grid for a Certificate of Environmental Compatibility and Public Need for the Rebuild of Approximately 100 Linear Miles of Existing 230 kV to Either 230 kV or 345 kV along with Associated Substation Upgrades Along the Existing NYPA Moses-Willis 1&2, Willis-Patnode, Willis-Ryan, and National Grid's Adirondack- Porter 11, 12, and 13 Lines in Clinton, Franklin, St. Lawrence, Lewis and Oneida Counties.

Dear Judge Belsito and Secretary Phillips:

This Statement is filed by the New York State Department of Agriculture and Markets (AGM) pursuant to the Ruling on Schedule issued May 31, 2022 by Administrative Law Judge Anthony M. Belsito in the above-referenced proceeding. AGM submits this Statement in Support of the Joint Proposal filed with the New York State Public Service Commission ("Commission") on May 19, 2022.

On June 15, 2021, The Power Authority of the State of New York doing business as New York Power Authority (“NYPA”), and Niagara Mohawk Power Corporation doing business as National Grid (“NationalGrid”) (NYPA and National Grid, hereinafter collectively referred to as the “Applicant”) submitted an application to the Commission in accordance with Article VII of the Public Service Law (PSL) and the Commission’s regulations for a Certificate of Environmental Compatibility and Public Need to construct and operate the Smart Path Connect Project (the “Project”). The Project consists of rebuilding approximately 100 linear miles of existing 230 kilovolt (“kV”) transmission lines to either 230 kV or 345 kV along with associated substation construction and upgrades. The Project includes rebuilding all, or part of the following transmission lines primarily within existing rights-of-way (“ROW”): NYPA’s Moses-Willis 1 & 2, NYPA’s Willis-Patnode and NYPA’s Willis-Ryan; and National Grid’s Adirondack to Porter (Chases Lake-Porter Line 11, Adirondack-Porter Line 12, and Adirondack-Chases Lake Line 13), the extension of the existing 230 kV Rector Road to Chases Lake Line 10, as well as connecting to NYPA’s Moses-Adirondack 1&2 (also known as “MA 1&2” or “Smart Path”) ROW. The proposed Project also includes the construction of four (4) new substations (Haverstock, Adirondack, Austin Road, and Willis 345/230 kV substations), as well as upgrades to seven (7) existing substations (Willis 230/115 kV, Patnode, Ryan, Moses, Massena, Marcy, and Edic substations). Deficiencies in the Application were identified by the Commission in a letter dated August 16, 2021. The Applicant submitted supplemental filing on September 3, 2021, October 1, 2021, October 26, 2021, and December 7, 2021 in response. The Application was deemed complete by the Chair of the Commission in a letter dated December 24, 2021.

On December 27, 2021, the Applicant filed a Notice of Impending Settlement Negotiations. Thereafter, multiple settlement meetings via such means as teleconferences and web-ex meetings took place, as well as other communications among the Parties. Ultimately, the Signatory Parties, which included the Applicant, the Staff of the New York State Department of Public Service (DPS Staff); the New York State Department of Environmental Conservation (NYSDEC); the New York State Department of Agriculture & Markets (NYSAGM) (collectively, the Signatory Parties),

agreed to settle this matter with the execution of the Joint Proposal (“JP”) and its Appendices.

The Commission’s Settlement Procedures and Guidelines, with respect to adopting the terms and conditions of a JP, have been adhered to in that the JP is just, reasonable, and in the public interest. The JP was executed after multiple settlement negotiations and technical meetings between the parties. The settlement negotiations were properly noticed and all parties had an opportunity to participate prior to execution of the JP. The JP and its Appendices are sufficient to permit the Commission to make the required PSL Article VII findings. The Parties worked together to develop the JP, which minimizes potential adverse environmental impacts and protects environmental resources. The JP and its Appendices resolve all issues raised between the Signatory Parties.

Specifically, AGM’s concerns and issues were addressed in the JP and its Appendices. Environmental impacts have been minimized by siting the proposed transmission line within existing rights-of-way (ROW) to the greatest extent practicable. Because the Project predominantly uses existing ROW, there will be virtually no discernable change in land use conditions along the transmission line portion of the Project. Additionally, the Project represents the minimum adverse impact on active farming operations, considering the state of available technology and the nature and economics of alternatives and other pertinent considerations. While the Project ROW crosses active agricultural land and eight (8) designated New York agricultural districts, the Project will generally allow for the co-existence of active farmland and transmission lines, except for the Willis 345/230 kV Substation and the Adirondack Substation, where the Project will have limited permanent impacts on agricultural lands. The Applicant has agreed to adhere to NYSAGM’s “*Guidelines for Electric Transmission Right-of-Way Projects*” during construction, when and where agricultural operations may be disrupted to minimize potential impacts to the agricultural resources.

Based on the routing of the facility and the protections contained in the Joint Proposal and its Appendices, AGM is confident that the proposed Project represents the minimum adverse impact on agricultural lands, considering the state of available technology and other pertinent considerations, as required by Section 126(c) of the

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Public Service Law. Accordingly, AGM is in support the JP in its entirety, and recommends that the Commission adopt and approve the JP and its Appendices as filed.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a stylized, flowing line that starts with a small loop on the left and ends with a horizontal tail on the right.

Tara B. Wells
Senior Attorney

Cc: Active Parties (via email)