

NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE

GENERAL COMMENTS

1. DPS Staff recommends that in the revised PIP Plan for the proposed Ridge View Solar Energy Center Project (the Facility or the Project), EDF Renewables (the Applicant), add the case number (19-F-0641) to the front cover page and in the header of all pages where the case number is indicated.

Response: *The PIP Plan has been updated as requested.*

2. DPS Staff requests the Applicant provide a study area in the same format as Figure 3: Study Area with a satellite view. The maps included in the PIP Plan are difficult to decipher as far as land features, roads, etc.

Response: *Figure 3: Facility Study Area (aerial) with an aerial photograph base map has been added to the revised PIP Plan as requested.*

3. DPS Staff encourages the Applicant to consult with DPS Staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement (PSS), to the extent practicable.

Response: *Comment noted. Section 1.0 (Introduction) of the PIP Plan states that, as required by the Siting Board's rules and regulations (16 NYCRR § 1000.4), the Applicant will consult with affected agencies and other stakeholders when conducting the PIP. The Applicant will make every effort to continue consultation with DPS Staff during the outreach period, including during early development of the Preliminary Scoping Statement (PSS).*

SECTION 1 – INTRODUCTION

4. DPS Staff advises that the word “several” should be deleted from the first sentence of the last paragraph on Page 1.

Response: *The PIP Plan has been updated as requested.*

SECTION 2 – PROJECT DESCRIPTION

2.1 Company Profile

5. The term “IPP” is used in the first sentence but is not defined in the paragraph or in List of Acronyms and Commonly Used Terms. DPS Staff recommends that IPP be defined and added to the List of Acronyms and Commonly Used Terms.

Response: *The PIP Plan has been updated as requested.*

2.2 Project Summary

6. The description of the Project notes that the point of interconnection (POI) is in the Town of Hartland, tapping into an existing power line. The Applicant should provide more details about the owner of this line, as well as the proposed location of the POI, if known. The line (and POI) should be reflected in Figure 2.

Response: The Project is expected to connect to the Kintigh (Somerset) to Rochester 345 kV transmission line owned by the New York State Electric and Gas Corporation (NYSEG) that crosses through the Facility Area. The PIP Plan has been updated to include this information. The location of the POI has not yet been determined but will be described in the PSS and/or Article 10 Application when known.

7. To the extent possible, the description of project components should identify the likely footprint and location of the potential Energy Storage System(s).

Response: As noted in Section 2.2 of the PIP Plan, energy storage systems may be co-located within the inverters within the Facility Area or installed near the POI. The footprint and location of these potential project components have not yet been determined. The location of potential energy storage systems will be described in the PSS and/or Article 10 Application when known.

8. The description of the POI substation notes that the overhead gantry and lightning shield poles “could have a maximum height of 70 feet or more.” The Applicant should clearly describe the maximum height that is anticipated for this equipment. In addition, the Applicant should include a brief description of the type of security fence anticipated for the Project. If the information is not available at this time, DPS Staff recommends making note of where this information will be in the PSS/Application.

Response: Comment noted. Additional information on the maximum height of the overhead gantry and the type of security fence will be provided in the PSS if known (Section 1.1: Facility Description). Detail on proposed project components will be included in Exhibit 11 of the Article 10 Application.

9. DPS Staff advises that the information regarding the estimated five full-time on-site jobs noted in Section 5.9 be mentioned in this section as well for clarification purposes.

Response: Comment noted. Section 2.2 Project Summary states that, an estimated four full-time jobs will be generated from operation of the Facility.

10. DPS Staff advises that the decommissioning plan should include notification to the municipality and landowners regarding decommissioning and restoration activities in advance of beginning those activities.

Response: Comment noted. As noted in the PIP Plan (Section 3.6), outreach to host landowners and municipal officials will take place during decommissioning and site restoration activities at the end of the Facility’s operational life.

2.3 Study Area

11. The 2-mile boundary line as shown in Figure 3 appears to edge into the Town of Ridgeway in Orleans County. Similarly, the Study Area looks to include the Villages of Barker and Middleport. DPS Staff recommends adding these municipalities to the stakeholder list.

Response: *The PIP Plan has been updated as requested.*

SECTION 3 – IDENTIFICATION OF STAKEHOLDERS

3.1 Affected State and Federal Agencies

12. DPS Staff recommends considering the New York Power Authority as a stakeholder.

Response: *The PIP Plan has been updated as requested.*

3.2 Local Agencies

13. Other Relevant Local Agencies that DPS Staff recommends considering:
 - a. Niagara County Chamber of Commerce
 - b. Niagara County Clerk Department
 - c. Niagara County Industrial Development Agency
 - d. Niagara County Attorney's Office - Claude A. Joerg, County Attorney
 - e. Niagara County Historian
 - f. Niagara County Sheriff's Office
 - g. Niagara County Legislature
 - h. Niagara County Department of Parks and Golf Courses
 - i. Niagara County Public Information Office
 - j. Niagara County Real Property Tax Service
 - k. Town of Newfane Historical Society

Response: *The PIP Plan has been updated as requested.*

3.5 Additional Stakeholders

14. Other Additional Stakeholders that DPS Staff recommends considering:
 - a. Seaway Trail, Inc. – Teresa Mitchell, Executive Director (The Great Lakes Seaway Trail is a National Scenic Byway just outside the two-mile study area)
 - b. Hartland Central Cemetery
 - c. Saint Patrick's Cemetery, Barker, NY
 - d. New York State Laborers' Union, Local 91
 - e. Upstate New York Operating Engineers Local 158
 - f. International Brotherhood of Electrical Workers Local 237
 - g. Newfane Pro-Am
 - h. Becker Farms / Vizcarra Vineyards & Becker Brewing Company
 - i. Chateau Niagara Winery
 - j. Leonard Oakes Estate Winery / LynOaken Farms

- k. Fisher's Farm Market
- l. Hiller's Farm Market
- m. Murphy Orchards
- n. Hartland Conservationist Club
- o. Niagara County Camping Resort
- p. Medina / Wildwood Lake KOA Holiday
- q. Burt Dam Fisherman's Park
- r. Van Horn Mansion
- s. Haunted History Trail of New York State
- t. Newfane Free Library

Response: Comment noted. The Applicant will consider the above stakeholders and update the PIP Plan accordingly.

3.6 Host and Adjacent Landowners

15. DPS Staff recommends that the draft PIP Plan be revised to expand the definition of "adjacent landowners." DPS Staff recommends identifying adjacent landowners as landowners with property within 2,500 feet of a solar collector array, or substation, or within 500 feet of other Facility components (e.g., collection lines, POI, O&M facility, etc.). Until such time as the location of the facility components is known, DPS Staff recommends identifying adjacent landowners as landowners who are 2,500 feet from the boundary of the anticipated Facility Area.

Response: The definition of adjacent landowner provided in the Draft PIP Plan matches the definition of "Adjacent or Contiguous" as set forth in 1000.2(a) of the Article 10 regulations, and therefore remains the same, to ensure consistency with this defined term's use throughout the regulations and studies required under Article 10. Note that the Ridge View Solar Energy Center PIP Plan contemplates providing public notice of events such as information sessions and filings to a much broader stakeholder audience than merely "adjacent landowners," as defined in the PIP Plan or suggested by Staff in this comment. See PIP Plan Section 5. Notices would be placed in newspapers, distributed via mailing lists for any interested parties, posted on the Project website, and made available to local document repositories, municipalities and agencies involved in the proceedings. The range of landowners and residents identified in DPS Staff's comment, as well as any other landowners or residents in the Project Area, will be provided the same public notice opportunities regardless of their property's adjacency to proposed Project components. Community members adjacent to the Facility will not receive any more or any less notice than individuals within the broader Project Area at this stage of the Article 10 process. In addition, many of the adjacent landowners are the same landowners who are selling/leasing property for the development of the Facility. Therefore, the term "adjacent landowner" will be used in the context of resource and impact characterizations required under the regulations, such as characterization of vegetation and measurement of setbacks. No changes have been made to PIP Plan.

3.8 Environmental Justice Communities

16. DPS Staff recommends that the Applicant provide a map that shows the identified environmental justice communities in relation to the Project Area.

Response: The PIP Plan has been updated as requested. Please refer to Figure 4: Environmental Justice Communities.

SECTION 5 – PROPOSED PUBLIC INVOLVEMENT PROGRAM

5.1 Project Contact Information

17. DPS Staff recommends that in the revised PIP Plan, the Applicant clearly state the days of the week and time of day the project representative will be available to the public.

Response: *The PIP Plan has been updated as requested.*

18. The Applicant should indicate that the phone number associated with the Project Representative is a toll-free number. In addition, the Applicant should cross-reference Section 5.6 regarding how calls/comments on its toll-free number received during non-business hours will be addressed, and the timetable for which a representative will respond to calls, emails, and website inquiries.

Response: *The PIP Plan has been updated as requested.*

19. DPS Staff recommends in the revised PIP Plan, the Applicant provide an update about the plan for a local Project office, i.e., estimated timeframe for the opening of that office, location of office and hours of operation.

Response: *The PIP Plan has been updated to provide the requested information, to the extent it is known at this time.*

20. DPS Staff notes that the project website: www.ridgeviewsolar.com does not work. DPS Staff recommends correcting website address so it can be accessed. After a Google search, DPS Staff found this website associated with the project: <https://www.edf-re.com/project/ridge-view-solar-energy-center/>

Response: *The Applicant has tested the link noted above and has confirmed that the Project web site is working properly.*

5.3 Consultation with Affected Agencies and Stakeholders

21. The Applicant should clarify what is meant by the term “neighbors” – i.e., does this refer to adjacent property owners, all residents in the Facility area, all residents within the Study Area, etc.

Response: *The PIP Plan has been updated to clarify that the invitations for the public meetings were sent to landowners within the Facility Area, landowners within 1,000 feet of the Facility Area, media and Town representatives.*

22. DPS Staff notes that portions of the Towns of Newfane and Hartland are outside the current Study Area.

Response: *Comment noted.*

23. DPS Staff recommends that the Applicant include a copy of the invitation and distribution list for the August 14, 2019 public meeting in the revised PIP Plan. The Applicant should document this meeting in the PIP Tracking Log.

Response: Comment noted. A copy of the newspaper notice, mailed invitation, and a summary of the meeting are included in Appendix C. Sign-in sheets from the meeting and individual comment forms are not included for privacy, but can be provided to DPS Staff confidentially upon request.

5.5.1 Public Meetings

24. DPS Staff recommends that the Applicant make clear that the mailing of public meetings to the Master Stakeholders List will include host and adjacent landowners.

Response: The PIP Plan has been updated as requested.

25. The final sentence in the second to last paragraph in this section should indicate that the Record of Activity (Exhibit C) will indicate that a mailing was sent and whether that mailing was made through the US Postal Service or email.

Response: The PIP Plan has been updated as requested.

26. The affidavit of service and record of mailings should be provided to the Secretary to the Siting Board, in addition to maintaining copies. Please note that the names of stakeholders on the email notification list is enough; email addresses should not be published without consent.

Response: EDF Renewables documents proof of outreach activities, including mailings, to stakeholder lists and host and adjacent landowners and will compile and include affidavits of service as part of Exhibit 2 of the Application. No change has been made to the PIP Plan.

5.5.2 Educational Materials

27. DPS advises that educational materials should be made available in all document repositories, not just the libraries, including the Newfane and Hartland town halls.

Response: The PIP Plan has been updated as requested.

5.6 Project Website

28. In the revised PIP Plan, the Applicant should indicate if the website is live or provide an estimated timeline when it will be available to the public. See DPS Staff comment above in Section 5.1

Response: Please see response to Comment 20 above.

29. DPS Staff advises that the Applicant should post the revised PIP Plan, along with its included Figures (i.e., maps) on the website until more detailed information and maps are available.

The website should include a means for interested persons/organizations to join the stakeholder list. This invitation should be easy to locate and use on the site.

Response: Comment noted. The Applicant will post a copy of the revised PIP Plan on the Project website. Additionally, the Applicant will add a link to the Project website as a means for interested persons/organization to join the stakeholder list.

5.7 Notifications

30. DPS Staff advises that information regarding the public meetings should also be posted at the document repositories.

Response: The PIP Plan has been updated as requested.

31. See comment at 5.5.1 regarding public meeting notifications.

Response: Please see the response to Comment 24 above.

32. The Applicant should clarify that the Master Stakeholder List used to provide notice of the PSS includes the host and adjacent landowners. DPS Staff advises that if the locations of facility components are unknown at this stage, the Applicant should notify landowners within the Facility Area and within 2,500 feet of the Facility Area boundary.

Response: The PIP Plan has been updated to indicate that notice of the PSS will also be sent to host and adjacent landowners, as defined in Section 3.6 of the PIP Plan (see also the response to Comment 15).

5.8 Activities to Encourage Stakeholder Participation

33. The Applicant notes that it will maintain a Record of Activity regarding its public involvement program. DPS Staff recommends that the Applicant indicate that this record will be filed with the Secretary and provide a schedule for these updates (e.g. monthly, bi-monthly).

Response: EDF Renewables will track its PIP Plan and endeavor to provide regular updates to DPS Staff and the Secretary on a quarterly basis. Specifically, EDF Renewables will maintain a Record of Activity that will provide specifics on all meetings, including dates, locations, attendees, purpose, and discussion topics.

5.9 Additional Considerations

34. In the section on local interests or concerns, the Applicant states that the public meeting held in the Town of Hartland on August 14, 2019 “confirmed that the community is generally supportive of the Project.” DPS Staff advises that this assessment is speculative based on attendance at an initial outreach event in the early stages of the Project. This statement should either be removed from the PIP or modified to clarify that those in attendance were generally supportive.

Response: The PIP Plan has been updated as requested.

35. On page 28 where it reads... “On the other hand, some participants expressed concern above...,” the word “above” should be replaced with “about.”

Response: The PIP Plan has been updated as requested.

FIGURES:

36. In Figure 1, add to the map key the designation of the light grey dotted lines as town and village boundaries.

Response: Figure 1 has been updated as requested.

EXHIBIT A: MASTER LIST OF STAKEHOLDERS/NOTIFICATION LIST

37. The following contacts for DPS Staff **should be included** on the Stakeholder List: Noreena Chaudari, Assistant Counsel and David Solimeno, Excelsior Fellow, DPS Office of General Counsel.

Response: Exhibit A of the PIP Plan has been updated as requested.

38. The following contact for DPS Staff **should be removed** from the list: Andrea Cerbin, Assistant Counsel.

Response: Exhibit A of the PIP Plan has been updated as requested.

EXHIBIT B: GOALS AND OBJECTIVES FOR STAKEHOLDER INVOLVEMENT

39. Table 1 indicates that the Applicant will provide notice to the towns no less than three days prior to submittal of PSS. The table should be updated to indicate that the municipalities and certain agencies will be served a copy of the filing as well.

Response: Exhibit B of the PIP Plan has been updated as requested.

40. DPS Staff advises that all other agencies and organizations that are on the stakeholder list should also receive notification of the PSS filing.

Response: Comment noted. Agencies and organizations on the stakeholder list will receive notification of the PSS filing

EXHIBIT C: RECORD OF ACTIVITY

41. DPS Staff advises that the tracking log should identify all outreach activities, including mailings, newspaper postings, newsletter, etc.

Response: Comment noted. The Applicant will continue to identify all outreach activities (including mailings, newspaper postings, newsletters) in the tracking log.

42. For entries where the Applicant states that it has conducted a mailing to the Stakeholder List, the Applicant should indicate whether it filed a copy of the outreach material, notice, and mailing list with the Secretary of the Siting Board.

Response: *Comment noted. The requested information will be provided in the meeting log for future stakeholder mailings.*

43. The information provided in the tracking logs should also include any concerns or issues raised throughout outreach activities. The “Comments” column should be used to capture both comments and issues or concerns.

Response: *Comment noted. The requested information will be provided if concerns or issues are raised.*

EXHIBIT D: GENERAL GUIDANCE FOR PUBLIC PARTICIPATION IN THE ARTICLE 10 PROCESS

44. The Draft PIP Plan mention about the Ad Hoc process but did not address the nomination process and timing considerations. The revised PIP Plan should be modified to address this topic in early outreach.

Response: *Additional information related to the appointment of ad hoc representatives to the Siting Board has been added to the revised PIP in Section 5.3.*