

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Application of Niagara Mohawk Power Corporation
d/b/a National Grid for an Amendment to a
Certificate of Environmental Compatibility
and Public Need issued to Niagara Mohawk
Power Corporation in Case 26923 Authorizing
the construction of 115 kV transmission Facilities
in Saratoga and Warren Counties and for Approval
to Remove and Install Eleven (11) Poles in
Warrensburg, Warren County, New York.

Case No.: 24-T-_____

**PETITION OF NIAGARA MOHAWK POWER CORPORATION
D/B/A NATIONAL GRID FOR AN AMENDMENT TO CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

Pursuant to Section 122(4) of Public Service Law (“PSL”) and Section 85-2 of the Commission’s Procedural Rules, 16 NYCRR § 85-2, Niagara Mohawk Power Corporation d/b/a National Grid (hereinafter “National Grid,” “Applicant” or the “Company”) submits this Application for an amendment to the Certificate of Environmental Compatibility and Public Need, which was granted by an Order issued by the New York State Public Service Commission (the “Commission”) on December 15, 1986 in Case 26923 (the “1986 Certificate”).¹ A copy of the 1986 Certificate is attached as **Exhibit A** to this Petition.

For the reasons set forth herein, National Grid requests that the Commission amend the 1986 Certificate issued in Case No. 26923 to (1) authorize National Grid to remove eleven (11) wood pole structures and replace them with remove eleven (11) galvanized steel poles. The structures proposed for replacement are located in the Town of Warrensburg, Warren County, New

¹ See Case 26923, *Application of Niagara Mohawk Power Corporation for a Certificate of Environmental Compatibility and Public Need Authorizing Construction of an electric transmission facility (Adirondack 115 kV transmission line) in Saratoga and Warren Counties*, Order Adopting Recommended Decision (Issued December 15, 1986) and Approving Settlement with Modifications and Granting Certificate of Environmental Compatibility and Public Need (“Certificate Order”).

York, and (2) amend the Certificate to allow for installation of galvanized steel replacement structures on all sections of the Certified route, as deemed necessary by National Grid’s review and maintenance procedures (collectively, the “Project”). This requested amendment should cover any future change from wood support structures to steel support structures along any part of the Certified route, as long as any work is completed according to a subsequent Department of Public Service (“DPS”) Staff (“DPS Staff”) approved Notice of Minor Change. Per Condition 7 of the Certificate, DPS Staff would have the opportunity to refer any proposed changes to the Commission for further review and approval if there could be a substantial change in environmental impact or if issues arise unrelated to those contested during this proceeding.

In accordance with Sections 122(2) and 122(4) of the PSL and 16 NYCRR § 85-2.10(c), a Public Notice of the proposed amendments was published on April 23, 2024 and April 30, 2024 in the Post Star. An affidavit of publication will be filed upon receipt from the newspaper. A copy of the Public Notice is attached as **Exhibit B**.

BACKGROUND

In September 1975, National Grid filed an application with the Commission requesting authority to construct a 115 kV electric transmission line in areas of Saratoga and Warren Counties. Two recommended decisions were issued in this case and the segments of the line they discuss were certified in July 1976 and August 1977.² Subsequently, settlement negotiations were conducted concerning outstanding issues involving Segments 3 and 4 of the proposed line.³

² Case 26923, *Niagara Mohawk Power Corporation, Order Granting in Part Certificate of Environmental Compatibility and Public Need* (issued July 22, 1976); Case 26923, *Niagara Mohawk Power Corporation, Order Granting in Part Certificate of Environmental Compatibility and Public Need* (issued August 19, 1977).

³ See Case 26923, *supra*, *Application of Niagara Mohawk Power Corporation for a Certificate of Environmental Compatibility and Public Need Authorizing Construction of an electric transmission facility (Adirondack 115 kV transmission line) in Saratoga and Warren Counties*, Order Adopting Recommended Decision (Issued December 15, 1986) at 2.

Segment 3 is a 115 kV single circuit transmission line of about 13.5 miles extending from Warrenburg to Chestertown, and Segment 4 is a 115 kV line of about 9.1 miles from Chestertown to North Creek.⁴

A recommended decision addressing issues heard regarding Segments 3 and 4 was issued on August 3, 1982 (the “1982 Recommended Decision”) along with a settlement agreement concerning the outstanding issues.⁵ The 1982 Recommended Decision adopted an overhead alternative for the crossing of the Hudson River at Riparius, and the Judge also recommended an overhead line at the Schroon River crossing near Warrensburg.⁶

In August and September of 1984, the parties filed briefs and reply briefs on several issues, including, but not limited to exceptions to the Recommended Decision, the Hudson River crossing, and other minor issues, for the Commission to consider.⁷ After the briefs were filed, the case was held in abeyance because National Grid’s actual load growth had been slower than projected.⁸ By a letter dated July 21, 1986, National Grid advised the Commission that a settlement had been reached among the parties.⁹ A hearing was held on September 26, 1986 in order to develop a record on the merits of the settlement.¹⁰ The parties stipulated to the use of steel poles in the Echo Lake area of Link 50 so as to avoid guying and that the transmission line otherwise would be hung on a combination of single wood poles (single and double circuit), wood pole H-frame structures, and steel poles.¹¹ Staff also proposed, and the Commission adopted, the use of steel poles in the low-

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 4.

⁷ *Id.* at 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 4.

lying wet depression area of north of Library Avenue and south of the Department of Transportation building in Warrensburg to minimize future maintenance problems.¹²

In December 1986, the Commission issued the 1986 Certificate which authorized (i) the construction of approximately 14 miles of 115 kV transmission facilities from Warrensburg to Chestertown and approximately 9 miles of 115 kV transmission facilities from Chestertown to North Creek (Warren County); and (ii) the associated substation modifications and additions.¹³

Now, in this Petition to Amend the Certificate, National Grid requests that the Commission amend the 1986 Certificate to allow the use of galvanized steel structures throughout the route certificated in this Order¹⁴. In addition to its request to amend the 1986 Certificate, National Grid is also submitting with this filing a Notice of Change (“Notice of Change”) to DPS Staff and requests that it or the Commission approve the replacement of eleven (11) wood pole structures with eleven (11) galvanized steel poles, all located in the Town of Warrensburg, Warren County, New York, due to the deteriorated conditions of the existing wood structures. A copy of the Notice of Change is attached to this Petition as **Exhibit C**.

DISCUSSION

I. Description of the Work - Replacement of Wood Pole Structures with Galvanized Steel Structures

National Grid is undertaking maintenance activities on older certified Article VII lines.¹⁵

As part of the review process, National Grid determined structure maintenance is needed on eleven

¹² *Id.* at 7.

¹³ *Id.* at 8-9.

¹⁴ As noted above, steel poles were authorized in some locations, but not in all locations, where wood poles were required.

¹⁵ See Case 21-T-0055, *Petition of Niagara Mohawk Power Corporation d/b/a National Grid to Amend the Certificate of Environmental Compatibility and Public Need issued in Former Case 26423 to Authorize the Removal and Installation of H-Frame Structures from National Grid’s Existing 345 kV Overhead Electrical Transmission Facility Located in the Town of North Greenbush, Rensselaer County*, Order Approving Amendment to the Certificate of Environmental Compatibility and Public Need and Limited Environmental Management & Construction Plan Subject

(11) structures on the Warrensburg to North Creek 115 kV Line (also known as the Adirondack Line) section of the line initially constructed pursuant to the 1986 Certificate. Specifically, the Company intends to replace deteriorated conditions and woodpecker damaged wooden poles with galvanized steel pole structures on foundations.

In order to minimize the need for structure replacement due to natural deterioration (rotting), National Grid has transitioned from using wood structures to steel structures whenever practicable. As explained in the Notice of Change (Exhibit C), National Grid proposes the use of galvanized steel structures rather than the previously used wood structures due to the deteriorated condition of the wood structures. The use of steel would improve the overall longevity and reliability of the line as well as eliminate possible woodpecker damage. With some minor exceptions, the 1986 Certificate authorized the use of wood poles instead of steel structures. For that reason, the 1986 Certificate must be amended to allow National Grid to transition to steel structures. Photos of the structures to be replaced are contained in Appendix D to the Notice of Change (Exhibit C).

The proposed work is detailed in National Grid's Notice of Change (Exhibit C). Project maps showing the overall location of the Adirondack Line and more specifically the locations of the proposed structures to be replaced is attached to the Notice of Change as **Appendix A**. National Grid will install the replacement galvanized steel pole structures as close as reasonably possible to

to Conditions (issued May 18, 2021); Case 22-T-0532, *Petition of Niagara Mohawk Power Corporation to Amend its Certificate of Environmental Compatibility and Public Need Regarding H-Frame Overhead Transmission Structures in the Town of Granby, Oswego County, and the Towns of Camillus, Elbridge, Lysander, Marcellus, and Onondaga, Onondaga County*, Order Approving Amendment to the Certificate of Environmental Compatibility and Public Need Subject to Conditions (issued January 20, 2023); Case 23-T-0447, *Petition to Amend the Certificate of Environmental Compatibility and Public Need to Authorize Removal and Installation of H-Frame Structures from National Grid's Existing 115 kV Overhead Electrical Transmission Facility Located in the Towns of Watertown, Hounsfield, and Adams, Jefferson County, New York* (issued October 16, 2023); Case 23-T-0588, *Petition to Amend the Certificate of Environmental Compatibility and Public Need issued in Case 26573*, Order Approving Amendment to the Certificate of Environmental Compatibility and Public Need Subject to Conditions, (issued December 18, 2023).

their predecessors' locations, accounting for safety and constructability considerations. Details regarding the existing and replacement structures are provided in the Plan & Profile drawings contained **Appendix B** and **Table 1** to the Notice of Change. The Plan & Profile Drawings contained in Exhibit B contain the entire section of the line approved by the 1986 Certificate. The structures to be replaced are highlighted, and these drawings should be considered the EM&CP drawings for the purpose of this Amendment or any future minor change. The structure specifications for the new poles are provide in **Appendix C** to the Notice of Change.¹⁶

All access and work will occur on National Grid easement or fee owned land, which is shown on the maps in Appendix A to the Notice of Change. No additional property rights or off-ROW access are anticipated for this Project. Access plans for the Project are provided in **Appendix E** to the Notice of Change.

II. Mitigation of Potential Impacts

As part of the work contemplated under this Petition and described in detail in the Notice of Change (Exhibit C to this Petition), all proposed transmission line work will be conducted on National Grid easement or fee owned land, as shown on **Appendix A** to the Notice of Change. As a result, National Grid will not need to clear vegetation for the Project, except for the mowing of brush within designated work areas and possibly along the edge of existing access roads. In addition, no additional electromagnetic field ("EMF") exposure is anticipated as a result of the Project. Rock was observed during a walkthrough of the Project Site. So, the Project will require rock drilling for foundation installation. Noise from construction will be limited to 7 a.m. to 7 p.m. Monday through Saturday. National Grid will access the replacement structure locations via the

¹⁶ Appendix B consists of Plan & Profile drawings showing details about the structures to be removed and the proposed new structure. Appendix C contains a typical drawing of the proposed structures. Table 1 shows the structure location, structure type, and structure height for the existing and proposed replacement structures.

existing ROW, which are shown on Appendix E to the Notice of Change. Even though all work will be performed on National Grid property, National Grid has provided notice of the planned transmission line work to abutting landowners. A copy of the landowner notice is attached as **Appendix H** to the Notice of Change.

Additionally, no laydown yard or marshalling yard is planned for this work; all materials will be delivered directly to work locations or stored in a National Grid owned barn located in Warrensburg.

The Project will involve disturbance of one or more acres of land, so National Grid will seek coverage under the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-200-001 (“SPDES General Permit”). National Grid will seek coverage under the SPDES General Permit by Filing a Notice of Intent Prior to commencement of Project construction. One of the requirements of the SPDES General Permit is the development of a Stormwater Pollution Prevention Plan (“SWPPP”). National Grid will follow the erosion and settlement controls outlines in the SWPPP. All disturbed areas will be returned to original grade within 7 days of work completion. National Grid’s Erosion and Sediment plans are shown on the drawings attached to the Notice of Change as **Appendix E**. A full time Environmental Monitor will be assigned to the Project and will monitor until 80% revegetation has been achieved.

National Grid included its Spills and Spill Reporting guidance document as **Appendix F** to the Notice of Change. The guidance document covers releases of oil, chemicals, or herbicides into the environment pursuant to 40 C.F.R Parts 117 and 302. The procedures contained in the guidance document ensure compliance with various federal, state and local laws requiring National Grid to notify governmental agencies in the event of a spill.

No agricultural areas are within the Project Area or in areas where the structure replacement locations will be accessed, therefore there will be no agricultural impacts by the structure replacements. There are no state regulated protected or mapped water related resources (streams, wetlands, regulated adjacent areas) within the project area. However, delineated wetlands and unregulated stream crossings exist within the Project area. As shown in Appendix E to the Notice of Change, wetlands and streams will be either avoided or temporarily matted during construction.

National Grid has coordinated with the New York National Heritage Program ("NYNHP") and has determined that no state-listed Endangered or Threatened species occur within the Project Area. Within 1/3 to 1/2-mile from the Project Area, NYNHP has identified species of concern, high quality habitats and rare plants. The proposed work areas are located within previously disturbed, maintained ROW, so it is unlikely considered habitat for any species of concern. Therefore, any potential impact to the species would be minimal. Correspondence regarding these species is contained in **Appendix G** to the Notice of Change.

CONCLUSION

WHEREFORE, for the above-stated reasons, National Grid respectfully requests that the Commission approve this Amendment Petition as follows:

1. Amending the Certificate to allow for installation of galvanized steel replacement structures on all sections of the Certified route, as deemed necessary by National Grid's review and maintenance procedures;
2. Authorizing National Grid to remove eleven wood pole structures and replace them with eleven galvanized steel pole structures on foundations; and
3. Granting such other and further relief as the Commission may determine is necessary or appropriate in furtherance of the relief sought by National Grid.

Date: May 7, 2024
Syracuse, New York

Respectfully submitted,



Kevin M. Bernstein, Esq.
Julia O'Sullivan Poarch, Esq.
One Lincoln Center
110 West Fayette Street
Syracuse, New York 13202
Phone: (315) 218-8329
Fax: (315) 218-8429
kbernstein@bsk.com
josullivan@bsk.com
Counsel for National Grid

/s/ Karla M. Corpus
Karla M. Corpus, Esq.
Senior Counsel I
Niagara Mohawk Power Corporation
d/b/a National Grid
300 Erie Boulevard West
Syracuse, New York 13202
Phone: (315) 569-3349
karla.corpus@nationalgrid.com