

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 26, 2007

COMMISSIONER PRESENT:

Cheryl A. Buley

CASE 03-T-1385 - Application of Rochester Gas and Electric Corporation for a Certificate of Environmental Compatibility and Public Need for the Construction of the "Rochester Transmission Project," approximately 38 Miles of 115 kilovolt transmission lines in multiple municipalities of Monroe and Wayne Counties

ORDER APPROVING PART OF SEGMENT 5
OF THE ENVIRONMENTAL
MANAGEMENT & CONSTRUCTION PLAN

(Issued and Effective March 28, 2007)

Introduction

By Order issued December 16, 2004, the Commission granted Rochester Gas and Electric Corporation (RG&E or the Company) a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction and operation of approximately 38 miles of 115 kilovolt (kV) transmission lines in several municipalities in Monroe and Wayne Counties. As a condition of approval, the Certificate requires the filing, and approval by the Commission, of an Environmental Management and Construction Plan (EM&CP) for the Rochester Transmission Project (RTP). The Commission approved the EM&CP for Segments 1, 2, 3, 4 and 5 (regarding Circuit 916) by Orders issued March 16, May 18, August 29, September 22, 2006 and February 22, 2007, respectively.

The remaining portion of Segment 5 consists of the construction of Circuit 927 on existing right-of-way (ROW), using a combination of existing and new wood and

steel single pole and H-frame structures. Circuit 927 is approximately 7.5 miles long and will consist of a new single circuit 115 kV line built between Station 48 in the City of Rochester and Station 7 in the Town of Greece, Monroe County. On November 20, 2006, RG&E submitted the EM&CP for Segment 5 to all parties for review and comment. Notice of the EM&CP for Segment 5, which provided for a 30 day comment period, was published in the *Rochester Democrat & Chronicle*, a newspaper of general circulation in the project vicinity, on November 15, 2006. Comments were received from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and the South Belmont Road Neighborhood Association (SBNA).

DESCRIPTION OF THE EM&CP FOR SEGMENT 5 AND COMMENTS THEREON

The structures for Circuit 927 will, for much of the segment, be located approximately six feet from the edge of the existing ROW. Additional easement rights will be needed for general construction as well as the long term management of the vegetation. On or about January 8, 2007, RG&E conducted a survey of the off-ROW vegetation in order to identify danger trees and other undesirable vegetation within an approximately 50-foot distance of the conductor. An 18-foot vegetation management clearing limit (as measured from the conductor) is shown on the EM&CP drawings. The revised drawings were made available for a 30-day comment period on January 24, 2007.

In a letter dated December 1, 2006, OPRHP opined that the construction of Segment 5 of the RTP will have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. The SBNA expressed concern not only about the trees that are proposed to be removed, but also regarding the increase in traffic through backyards from motorized vehicles and pedestrians that will likely result from such clearing. Our Staff engaged in significant discussion with RG&E regarding the degree of clearing of vegetation along Circuit 927 and the level of public outreach to all affected landowners. On January 24, 2007, the Company sent a letter to all individual landowners discussing the need to trim or remove trees on their property. Acknowledging the potential landowner sensitivity regarding tree trimming or removals,

Staff and the Company worked together to minimize the amount of tree clearing necessary while still maintaining an adequate level of reliability. RG&E has also provided responses and revised drawings that have addressed Staff's comments to a large degree.

DISCUSSION AND CONCLUSION

The work proposed by RG&E is an integral part of the RTP and will enhance the reliability of the Company's electric transmission system. Because of the need to ensure the reliability of Circuit 927, we will require the Company to remove all vegetation within the wire security zone before energizing that circuit. Due to the potential of increased time needed for the Company to negotiate for tree removals, however, we will allow up to two years after the energization of Circuit 927 for the trimming or removal of all undesirable vegetation outside the wire security zone but within 36 feet of the conductor. While 50 feet of ROW on each side of a 115kv transmission line is typical, the 36-foot distance from the conductor strikes the appropriate balance in this case between reliability and the degree of tree trimming and removal needed, given the proximity of the Circuit 927 to the backyards of homes along the ROW. Moreover, we will require RG&E to meet with SBNA and any other affected parties to discuss potential solutions, *e.g.*, installation of gates or signage *etc.*, to the problem of unwanted access along the ROW. As in the past, we expect that approvals for access and utility work will be given in a timely manner.

It is ordered:

1. Rochester Gas and Electric Corporation's (RG&E) Environmental Management and Construction Plan for a portion of Segment 5 of the Rochester Transmission Project, covering the construction of Circuit 927 between Station 48 and Station 7 is approved.

2. RG&E shall remove all vegetation within 18 feet of the conductor before energizing Circuit 927.

3. RG&E shall remove all undesirable vegetation outside the wire security zone but within 36 feet of the conductor within no more than two years from the energization of Circuit 927.

4. RG&E shall meet with the South Belmont Road Neighborhood Association and any other affected parties to discuss potential solutions to unwanted access along the right-of-way. RG&E shall implement those solutions found appropriate, after consultation with the Staff of the Department of Public Service.

5. This proceeding is continued.

(SIGNED)

Commissioner