June 23, 2014

Hon. Kathleen H. Burgess, Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Subject: **CASE 13-T-0585 -Application of Cricket Valley Energy Center, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law For Approval of a New 345 kV Transmission Line From the Pleasant Valley Substation to the Cricket Valley Energy Center, LLC and the Re-Conductoring of an Existing 345 kV Line in the Town of Dover, Dutchess County.**

Dear Secretary Burgess:

On behalf of Cricket Valley Energy Center, LLC ("Cricket Valley"), we hereby transmit electronically, together with seven hard copies, our response to your email of April 18 requesting additional information associated with the captioned application ("April 18 Email").

This letter and included attachments provide additional information and clarification of material initially presented in Cricket Valley's April 2, 2014 supplemental filing as requested in the April 18 Email. Specifically, this letter describes technical details of the re-conductoring work, mitigation measures associated with potential visual impacts, additional photographs of the Project right-of-way to supplement the previously submitted Visual Resource Assessment ("VRA"), and further detail regarding the Project's public involvement plan ("PIP") as requested by the Commission.

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Please feel free to contact the undersigned should you have any questions. Thank you.

Sincerely,

David C. Klinch, PWS, PMP
Senior Consultant

Cc: Service Lists
Ashley Moreno, Esq.

Attachment A

Responses to the Department of Public Service Staff April 18, 2014
Request for Additional Information

ATTACHMENT A:

RESPONSES TO THE DEPARTMENT OF PUBLIC SERVICE STAFF APRIL 18, 2014 REQUEST FOR ADDITIONAL INFORMATION

1. *Attachment C, Page 4*
   No information on the re-conductoring has been submitted that describes the change in the conductor size. New conductor will replace the existing conductor; the conductors will not be visible at the same time. Please provide a brief description on the change in size of the conductor that will allow the public to understand the changes in a long-standing component of visual setting.

Response to #1: The re-conductoring of the existing 345kV transmission line between structure L-60 and the Connecticut border consists of replacing a single 2156 kcmil 84/19 ACSR (Bluebird) conductor with a bundled pair of 795 kcmil 30/17 ACSS (Mallard) conductors. Currently each of the three phases has a single conductor with a diameter of 1.762 inches. After the proposed re-conductoring takes place, there will be two conductors per phase spaced 18 inches apart and the diameter of each conductor will be reduced to 1.139 inches. Although this change will result in an additional conductor per phase, it is anticipated that in many instances they will be seen as one element and the potential visual impact would be minimal.

2. *Attachment C, page 33*
   Determine the feasibility of the proposed mitigation practices such as use of wood laminated poles or non-specular conductors and plantings at the substation. Submit a revised list as necessary to add or delete mitigation measures if they prove infeasible.

Response to #2: CVEC has considered the feasibility of implementing mitigation measures described in the VRA to reduce the Project's potential visual impact, including the feasibility of using Corten steel and wood laminated poles, non-specular conductors, and planting at the Cricket Valley Switchyard ("the switchyard"). Because CVEC plans to maintain the extensive tree buffer between the switchyard and Route 22, views of the switchyard would be fleeting and filtered based on its proposed location. Accordingly, mitigation measures to screen the switchyard from Route 22 have been proposed commensurate with the views of the switchyard that the public will experience.

Specifically:

- Weathered steel (Corten) monopoles have a different appearance than the proposed galvanized monopoles; however the difference in visual impact is a subjective opinion. Under certain circumstances, the earth-toned color of the weathered steel monopoles may provide an improved visual appearance over galvanized or other structure types. Using Corten steel monopoles as a mitigation technique, however, could present an inconsistent view (i.e. different structure colors) when compared to the Project's galvanized structures in other locations.

Notwithstanding the above, the use of Corten at the switchyard may be feasible, however concerns of excessive corrosion at the monopole/foundation interface would likely require the use of a modified foundation design should Corten poles be selected as a mitigation measure.

- Upon review of using laminated wood poles, it was determined that their use may not be compatible at the switchyard because wood poles would require a direct embedment foundation. This is significantly different from the proposed rock anchors or micropile foundations used for the currently proposed steel monopoles, and is of particular concern in consideration of the anticipated shallow depth to competent rock. Additionally, as suggested in the VRA, CVEC would like to minimize the number of pole styles/appearances in order to show consistency.

- Non-specular conductors may help in reducing the visibility (or glare) of new conductors by dulling and darkening the conductors. However, darkening and dulling would occur naturally over time due to environmental effects whether non-specular wire is used or not. Given the limited views of the switchyard available to the public, use of non-specular conductors, while feasible, is not considered to be warranted.

- Landscaping plans and supplemental vegetative plantings are proposed to be described in the Project's Environmental Management & Construction Plan (EM&CP), however currently there are no specific plantings proposed directly adjacent to the Cricket Valley Switchyard. Significant existing vegetation will be maintained to buffer the view of the Switchyard. As previously described, views of the switchyard would be fleeting and filtered based on its proposed location. CVEC would accept conditions in the EM&CP detailing the need for additional vegetative screening adjacent to the switchyard should the visual signature of the switchyard be considered problematic following facility construction.

As outlined in the VRA, the following mitigation measures are still being considered to reduce potential visual impacts:

<u>Design Factors</u>

- Minimize sag of the conductors as much as possible at road crossings while maintaining structure locations, structure heights and conductor selection consistent with preliminary design.

- Vegetation clearing should be kept to a minimum, yet not impede operation or the ability to meet the existing Consolidated Edison ("Con Edison") Vegetation Management Plan ("VMP") standards.

- Variation in pole styles/appearances should be limited to present a consistent visual signature for the Project.

Screening

- Without impeding safety, vegetation clearing on either side of North Smith Road should be minimized. Additional vegetation (mixture of evergreen and deciduous plant materials) will be installed to further reduce visibility at this location.

- Vegetation immediately adjacent to and in the median of the Taconic State Parkway should be preserved to the extent practicable within the context of the existing Con Edison VMP.

Lighting

- Lighting around the switchyard will have shields in order to reduce light trespass on adjacent land. Lighting will be task oriented (e.g. maintenance and emergency).

Maintenance

- Con Edison will maintain the vegetation within the Line 398 ROW in accordance with vegetation management plans filed by Con Edison with the PSC. This plan includes the requirement to protect wire security zones by removing trees from the existing ROW where they exist, and allowing only low growing (i.e. scrub-shrub) vegetation to be established within the ROW limits.

3. *Attachment C, pages 36 and 37 and table 5*
   Thirteen visual resources of statewide significance and ten national register eligible historic resources were identified in the VRA. The text discussion in the VRA and Table 5 estimate the number of new utility towers that may be seen from the visual resources of statewide significance. Based on Figures A1, A2, and Table 5 the number of towers that may be visible from a scenic resource of statewide significance is between 0-18. At most locations, multiple towers maybe visible however the actual number will depend on the screening provided by vegetation as stated on page 37. To show that the new power line has been located to minimize visual impacts, additional existing condition photographs from selected scenic resources of statewide significance are necessary. These photographs should demonstrate the visibility of the existing power line, which is an accurate baseline for the future conditions. The VRA has included photographic simulation that emphasizes the near view images and there are five existing condition photographs in the report, which is not adequate to build a general understanding of the visual setting. Including additional photographs from statewide visual resources will fill out the VRA. The applicant should submit additional photographs or identify locations where photographs can be taken to complete the VRA.

   Response to #3: Attachment B to this letter includes a photographic layout, key map to photo locations, and a description of means and methods prepared by Saratoga Associates, Inc. to address the Commission's requests.

4. *Photographic Simulations*
   Figures A2-B, A6-B and A7-B are missing a jumper connection as illustrated by Figure 5-4b,

Exhibit 5, December 30, 2013 Application submittal. Also the strings of insulators shown in the photographic simulation A-4-B do not match those identified in Exhibit 5, Figure 5-4a,b December 30, 2013 Application and need to be evaluated and revised as necessary.

Response to #4: Attachment C to this letter provides revised versions of photographic simulations A2-B, A6-B, A7-B, and A4-B for Department of Public Service staff review. In regard to the strings of insulators, the simulation is accurate and both strings of insulators have been modeled the same. The side-on versus head-on viewing angles, along with shadow effect, present slightly different views in the simulation causing the head-on view of the insulator to appear thicker or shorter, however this is simply a reflection of the angle the simulation is presented at; both strings of insulators are identical.

5. *Public Involvement Plan*

Project Stakeholders - The Applicant identified underserved populations, which may include non-English speakers, in its potential project stakeholders list. The applicant should determine if there are communities with a significant number of non-English speakers (e.g. Spanish, Italian, Chinese) within the environs of the project and provide project related materials in their native language(s).

Tracking Report - The revised PIP includes a list of outreach events that have taken place up to mid-March as well as planned activities, but does not indicate when the first tracking report will be submitted. The report should also be posted on the Public Involvement section of the project web site when it is submitted and updated.

Advisory Working Groups - The idea of establishing working groups is very welcome and will be a great public involvement tool. While the Applicant did indicate that the public would be encouraged to attend and participate in the groups, it is unclear whether there will be a core membership for the groups or whether there will be meetings held and whoever attends is part of the group. If there is a core membership, how will it be established and what is the proposed general make-up?

Intervener Funding - The PIP mentions that information on this topic will be included on the website. However, that assumes that all stakeholders will have web access. A brief description should also be included in print media such as direct mail, project brochure or project newsletter.

Response to #5: The information presented on the following pages provides an update to the Public Involvement Plan (PIP) to address Staff comments.

Project Stakeholders:

Demographics of Communities Abutting the Project Right-of-Way

Location	*Dutchess County*	*Town of Pleasant Valley*	*Town of LaGrange*	*Town of Union Vale*	*Town of Dover*
Population	297,488 people	9672 people	15730 people	4877 people	8699 people
Population Density	361 people per square mile (ppsm)	291 ppsm	394 ppsm	129 ppsm	156 ppsm
Age 65 and older	40,304	1167	2101	637	530
RACE/ETHNICITY					
Total White	238,387	8953	13,959	4556	7482
Total Black/African American	29,518	284	590	79	426
Total American Indian/Alaska Native	893	20	35	1	21
Total Asian	10,437	110	633	115	115
Total Hispanic or Latino	31,267	452	1,116	227	1,199

Source: American FactFinder (2013). 2010 Census; United States Census Bureau. Retrieved September 2013 from: http://factfinder2.census.gov

The project team reviewed the most recent U.S. Census data to collect information about potential underserved populations residing in the towns of Pleasant Valley, LaGrange, Union Vale and Dover, New York. Each town has a diverse population in terms of age and ethnicity, and data suggest that some residents may be non-English speaking. In the interest of ensuring the widest availability of information, Cricket Valley Energy will include a "Google Translate" option on the Cricket Valley Transmission website by July 15, 2014.

In addition, Cricket Valley Energy will distribute materials to the Office of the Aging and the Community Action Partnership of Dutchess County to ensure additional availability of materials for senior citizens.

Tracking Report:

A tracking report of outreach activities will be provided twice yearly, on the last business day of June and December, throughout the duration of the project, and will include completed and planned activities. The reports will be posted in the Public Involvement section of the project website.

Advisory Working Groups:

Each Advisory Working Group (AWG) is publicized and open to the public. No prior experience is necessary or required. Each AWG meeting consists of a presentation by team members and subject matter experts, followed by a discussion and question-and-answer period. AWG agendas are based on the interest and topics identified during the meetings.

Intervenor Funding:

In order to facilitate transparency regarding intervenor funding, the purpose of the funding and the process for applying for the funds will be included in the following:

- PIP section of the project website.
- Transmission Upgrade brochure.
- Summer 2014 issue of the Project Newsletter.

Attachment B

Log of Photos Taken From Locations of Scenic Resources of Statewide Significance

At the request of NYS DPS, supplemental photographs from 15 of the identified locations contained in VRA's Table 5 Visual Resource Impact Summary are being provided. These locations, noted below, are resources of statewide significance. Photographs from two additional locations, the Clove Mountain Fire Tower and associated Cabin, were not obtained, as they are located on private property with no comparable view from a public right of way in close proximity.

In capturing the photographs:

1. The photographs were taken in the direction of the existing/proposed transmission lines from locations where one might anticipate visibility and/or in locations the vegetated viewshed map showed the potential for visibility.
2. For resources located on private property, photographs in the direction of the existing/proposed transmission lines where obtained from the nearest public right of way that potentially had a similar view. *Views from within private property may differ.*

Table 1 NYS DPS Supplemental Photographs

VRA Map ID #	Resource	Municipality	General Viewing Direction	Existing Con Edison Transmission Structures Visible?
1	Swamp River NYSDEC Waterway Access	Dover	South / Southwest	No
6	Newcomb-Brown Estate	Pleasant Valley	Southwest	No
13	Taconic-Hereford Multi-Use Area	Pleasant Valley	Southwest	Yes
18	Taconic State Parkway Northbound	LaGrange	Northerly	Yes
18	Taconic State Parkway Southbound	LaGrange	Southerly	Yes
30	James Baird State Park	LaGrange	Northerly	No
31	Oswego Meeting House and Friend's Cemetery	Union Vale	North/Northeast	No
37	Swamp River NYSDEC Fishing Access	Dover	Northwest	No
50	Greek Revival House	Dover	West/South	No
53	Old Stone Mill/Pleasant Valley Fishing Co.	Pleasant Valley	Southwest / Southeast	Yes
54	Pratt-Truss Bridge (BIN 3701-70)	Dover	Northwest	No
60	Vincent Barns	Dover	Westerly/Easterly	No
61	Wilkinson Farmstead	Union Vale	North/Northeast	No
65	Vincent Farmhouse	Dover	Southwest / Southeast	Yes
67	Chapel of the Child	Union Vale	Southerly	No
EH3	Harlem Valley Psychiatric Center Historic District	Dover	Northwest	No

Cricket Valley Energy Center 345kV Transmission Line

NYS DPS Requested Photographs

*Assumes a uniform tree height of 40' (12.192) in forested areas.

Figure S-1

May 2014

KEY

- Transmission Line Structure
- Transmission Line Centerline
- Town Boundary
- NYS DPS Requested Photo Locations

Number of Visible Structures

- No Structures Visible
- 1 - 5
- 6 - 10
- 11 - 15
- 16 - 25
- 26 - 35
- 36 - 45
- 46 - 50
- Eligible Historic Resource
- Aesthetic Resource
- State Land

Maximum number of visible structures for Vegetated Viewshed is 42.

PROJECT # 2013 - 13041

This map is computer generated using data acquired by Saratoga Associates from various sources and is intended only for reference, conceptual planning and presentation purposes. This map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

File Location: B:\2013\13041\Maps\TLine_Photolocations_052314.mxd

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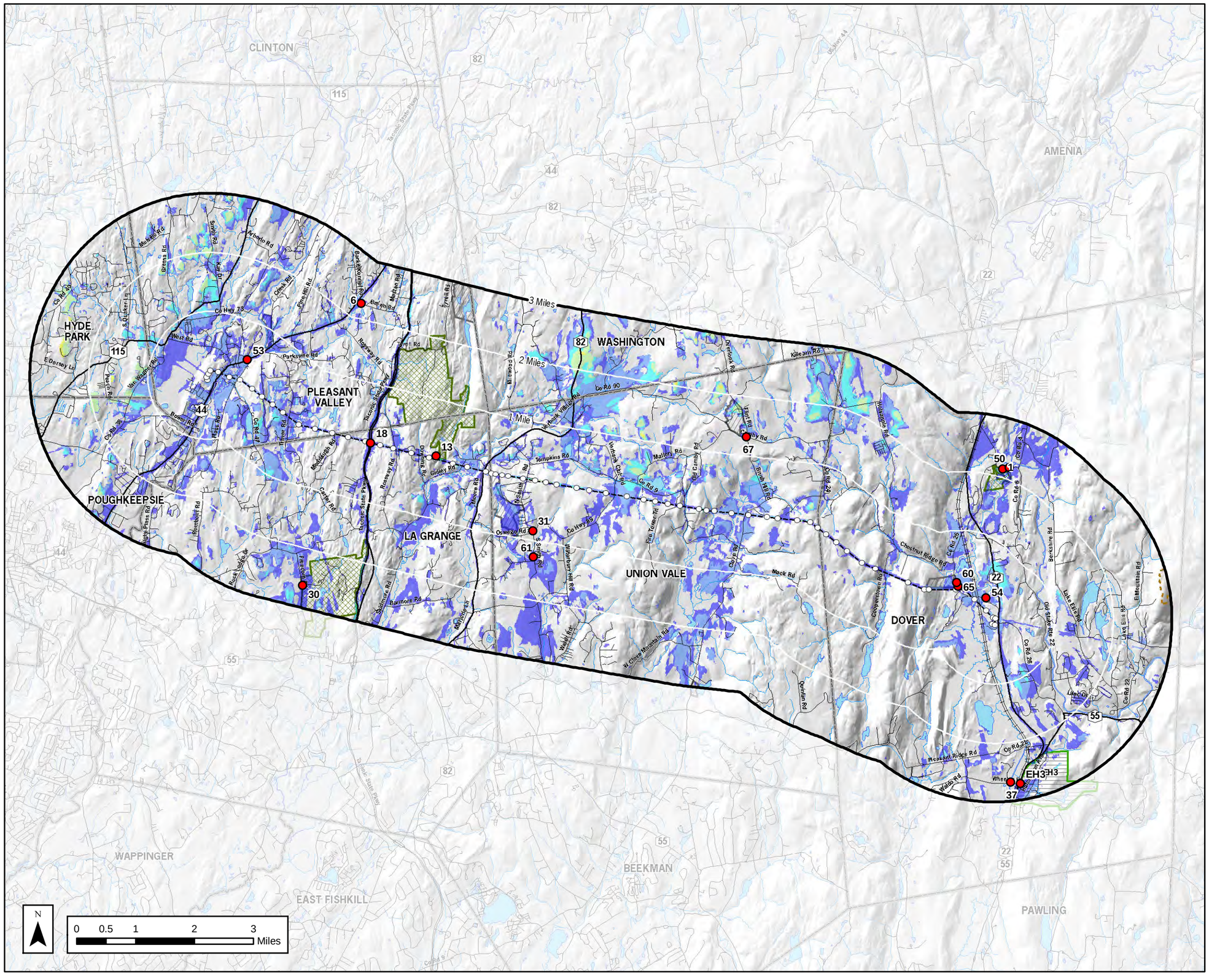
Cricket Valley Energy



VRA Map ID 1

Swamp River NYSDEC Waterway Access

Town of Dover

FIGURE S-2

NYS DPS Requested Photographs

VRA Map ID 6

Newcomb-Brown Estate

Town of Pleasant Valley

FIGURE S-3

NYS DPS Requested Photographs

VRA Map ID 13

Taconic-Hereford Multi-Use Area (on trail)

Town of Pleasant Valley

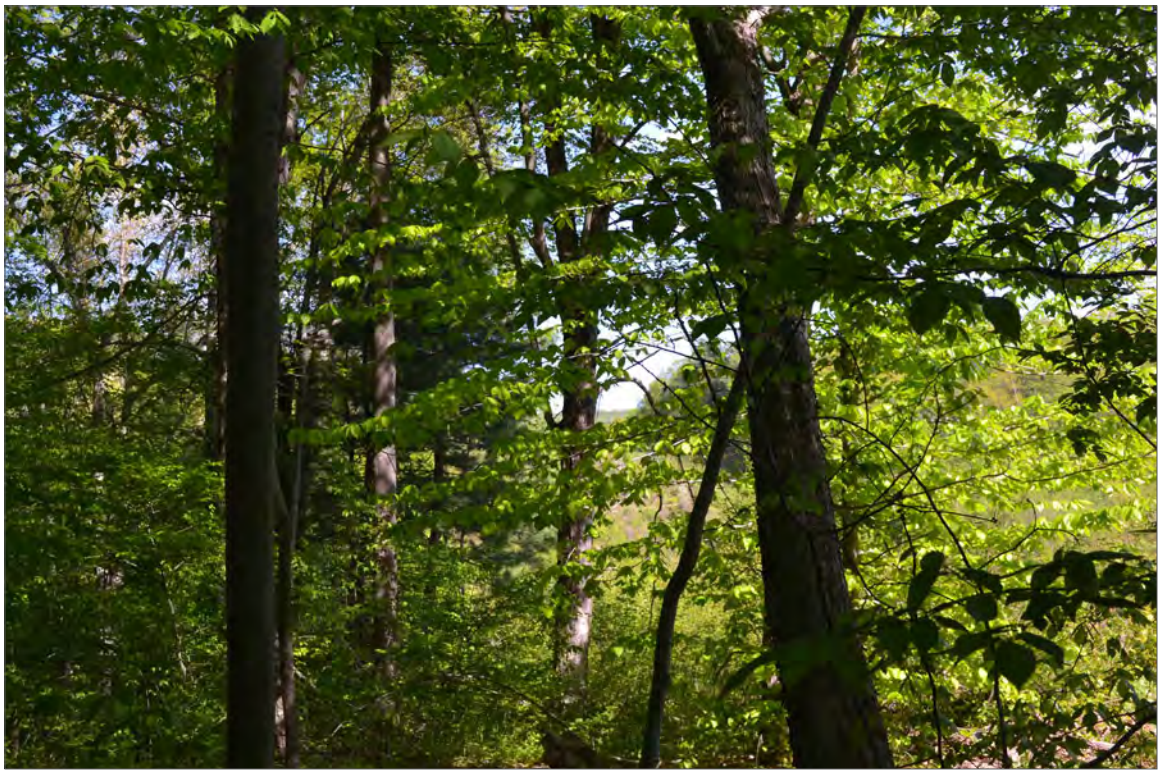


FIGURE S-4

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Northbound

Town of LaGrange

FIGURE S-5

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Northbound

Town of LaGrange

FIGURE S-6

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Northbound

Town of LaGrange

FIGURE S-7

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Southbound

Town of LaGrange

FIGURE S-8

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Southbound

Town of LaGrange

FIGURE S-9

NYS DPS Requested Photographs

VRA Map ID 18

Taconic State Parkway - Southbound

Town of LaGrange

FIGURE S-10

NYS DPS Requested Photographs

VRA Map ID 30

James Baird State Park

Town of LaGrange

FIGURE S-11

NYS DPS Requested Photographs

VRA Map ID 31

Oswego Meeting House and Friend's Cemetery

Town of Union Vale

FIGURE S-12

NYS DPS Requested Photographs

VRA Map ID 37

Swamp River NYSDEC Fishing Access

Town of Dover

FIGURE S-13

NYS DPS Requested Photographs

VRA Map ID 50

Greek Revival House

Town of Dover

FIGURE S-14

NYS DPS Requested Photographs

VRA Map ID 53

Old Stone Mill/Pleasant Valley Fishing Co.

Town of Pleasant Valley

FIGURE S-15

NYS DPS Requested Photographs

VRA Map ID 54

Pratt-Truss Bridge
(BIN 3701-70)

Town of Dover

FIGURE S-16

NYS DPS Requested Photographs

VRA Map ID 60

Vincent Barns

Town of Dover

FIGURE S-17

NYS DPS Requested Photographs

VRA Map ID 61

Wilkinson Farmstead

Town of Union Vale

FIGURE S-18

NYS DPS Requested Photographs

VRA Map ID 65

Vincent Farmhouse

Town of Dover

FIGURE S-19

NYS DPS Requested Photographs

VRA Map ID 67

Chapel of the Child

Town of Union Vale

FIGURE S-20

NYS DPS Requested Photographs

VRA Map ID EH3

Harlem Valley Psychiatric Center Historic District

Town of Dover

FIGURE S-21

NYS DPS Requested Photographs

Attachment C

Revised Visual Simulations

Existing Condition

FIGURE A2-A

Photo Simulation

Viewpoint #1 - New York State Route 22 (Aesthetic Resource #45)

Town of Dover

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Proposed Condition

FIGURE A2-B

Photo Simulation

Viewpoint #1 - New York State Route 22 (Aesthetic Resource #45)

Town of Dover

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Existing Condition

FIGURE A3-A

Photo Simulation

Viewpoint #2 - North Smith Road (Aesthetic Resource #14)

Town of Union Vale

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Visual Resource Assessment
March 2014

Proposed Condition

FIGURE A3-B

Photo Simulation

Viewpoint #2 - North Smith Road (Aesthetic Resource #14)

Town of Union Vale

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Existing Condition

FIGURE A4-A

Photo Simulation

Viewpoint #3 - New York State Route 82 (Aesthetic Resource #4)

Town of LaGrange

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Proposed Condition

FIGURE A4-B

Photo Simulation

Viewpoint #3 - New York State Route 82 (Aesthetic Resource #4)

Town of LaGrange

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Existing Condition

FIGURE A5-A

Photo Simulation

Viewpoint #4 - Taconic State Parkway (Aesthetic Resource #18)

Town of LaGrange

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Visual Resource Assessment
March 2014

Proposed Condition

FIGURE A5-B

Photo Simulation

Viewpoint #4 - Taconic State Parkway (Aesthetic Resource #18)

Town of LaGrange

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Visual Resource Assessment
March 2014

Existing Condition

FIGURE A6-A

Photo Simulation

Viewpoint #5 - Cady Recreation Park (Aesthetic Resource #22)

Town of Pleasant Valley

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Proposed Condition

FIGURE A6-B

Photo Simulation

Viewpoint #5 - Cady Recreation Park (Aesthetic Resource #22)

Town of Pleasant Valley

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Existing Condition

FIGURE A7-A

Photo Simulation

Viewpoint #6 - Pleasant Valley Recreation Park (Aesthetic Resource #21)

Town of Pleasant Valley

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .

Proposed Condition

FIGURE A7-B

Photo Simulation

Viewpoint #6 - Pleasant Valley Recreation Park (Aesthetic Resource #21)

Town of Pleasant Valley

Cricket Valley Energy

SARATOGA ASSOCIATES

Photo simulations should be viewed in full color and 11"x17" format .