

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on November 20, 2002

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 01-T-1160 - Application of Niagara Mohawk Power Corporation
for a Certificate of Environmental Compatibility
and Public Need for the Construction of
Approximately 9.16 Miles of 24-inch Natural Gas
Pipeline, in the Towns of Rotterdam and
Glenville, Schenectady County, and the Town of
Charlton, Saratoga County

CASE 70100 - Environmental Management and Construction
Standards and Practices

ORDER GRANTING CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED AND
ACKNOWLEDGING FILING OF CERTIFIED STATEMENT

(Issued and Effective November 26, 2002)

BY THE COMMISSION:

INTRODUCTION

On August 21, 2001, Niagara Mohawk Power Corporation
(NM or the Company), filed an application pursuant to §121-a(3)
of the Public Service Law (PSL) to construct approximately 9.16
miles of 24-inch diameter natural gas transmission pipeline in
the Towns of Rotterdam and Glenville, Schenectady County, and
the Town of Chartlon, Saratoga County. By letter of August 29,
2001, the Department of Public Service (Staff), pursuant to PSL
§121-a(4), notified the Company of filing deficiencies. Staff

also served discovery requests on the Company and met with Company personnel to clarify statements made in the application and in discovery responses.

On May 3, 2002 and August 15, 2002, the Company filed supplements addressing deficiencies in the application. With the May 3, and August 15, 2002 filings, the application is in compliance with the PSL and our regulations as of August 15, 2002.

On September 24, 2002, Public Statement Hearings were held in the Village of Scotia. In response to comments made at the hearings, the Company proposed to add an additional 2,000 feet of pipeline to ameliorate concerns regarding the proposed location of the regulator station. This second location was identified as one of two sites in the filing for the regulator station.¹

On November 13, 2002, a hearing was held as a result of the Company's request to extend the deadline for the Commission to issue a decision, the details of which are described herein.

FACILITY DESCRIPTION

NM plans to construct approximately 9.36 miles of 24-inch steel gas pipeline, a regulating station, and five main line valves (mlv). The proposed project will originate at the Company's Putnam Road Gate Station where it will interconnect and take gas from Dominion Transportation, Inc.'s (DTI) 24-inch gas transmission line in the Town of Rotterdam. From there, the pipeline will run 5,000 feet north within an existing NM

¹ By letter dated October 29, 2002, NM notified the Commission of its intention to extend the pipeline 2,000 feet to a total of 9.36 miles.

electric and gas transmission right-of-way (ROW) and across two town roads to the Company's Rotterdam electric substation. At this point, the Company plans an approximate 2,000-foot horizontal directional drill (HDD) from the substation to cross under State Route 890, a railroad, and the Mohawk River. Continuing north from the river, the pipeline will cross under Route 5 and into the Glenville Industrial Park (GIP). There, the route will take the pipeline off of the NM ROW and around the west side of the location of the proposed Glenville Energy Park (GEP).² Returning to the NM ROW at the north end of the GIP, the pipeline will continue north crossing a gravel pit, a railroad (CSX), and a number of small streams, wetlands, and town roads into Saratoga County and the Town of Charlton. The pipeline will continue north along the westerly edge of the NM ROW. In total, seven State-protected streams, four State-regulated wetlands, approximately 5,500 feet of agricultural land, and twelve roads will be crossed. The pipeline will end at a proposed regulator station about 2,000 feet north of Stage Road where it will interconnect with an existing NM 16-inch diameter pipeline (E-18).³ The regulator station will be fenced in and landscaped, located mostly underground, and will contain valves and piping to accommodate temporary pipe cleaning and inspection equipment. It will also house two small aboveground equipment cabinets.

The proposed pipeline will be located within existing NM ROW for two areas. One area avoids the proposed GEP site and a second at the NM Swaggertown Substation. The ROW varies in

² Case 99-F-1835, Glenville Energy Park, LLC - Article X Application.

³ This location was identified in the application as one of two potential ending points for the pipeline.

width and is host to multiple facilities at various locations which include: a 16-inch gas pipeline, (NM E-18), which will run parallel to the proposed pipeline for its entire length; a 2-inch gas line; a 345 kV electric substation; and overhead two parallel 115 kV overhead electric transmission lines; an underground fiber-optic line and both overhead and underground electric distribution lines running both parallel and perpendicular to the pipeline. The Company commits to confine construction activity to a 75-foot width, which will be for the most part, on Company property. Exceptions to this width would be in agricultural fields where it will be 120 feet or at selected stream and wetland crossings, unless restricted by a particular agreement with a landowner. Access to the ROW will be gained by using existing public and private roads.

The proposed pipeline will be certified to a maximum allowable operating pressure of 900 psig, but will be initially operated at 465 psig.

PROJECT NEED

The new pipeline, which parallels an existing NM line, is needed to meet the growth in gas demand in northern Schenectady, Saratoga, and Warren Counties (northern region). Previous growth in these areas has utilized the capacity of the existing 16-inch pipeline serving this area. The size and operating pressure of the new pipeline have been designed to meet the growth in the northern portion of the service territory for 10 years, and provides for the possible addition of a large industrial load.

NM has experienced growth in peak day demand in the Northern region from 170 Mdt per day in 1995 to 185 Mdt per day in 2000. NM projected a growth of 2 Mdt per day per year over the next 10 years in the northern region. The project is

designed to provide for 10 years of load growth at that rate plus the addition of a large customer (15 Mdt per day) at a northern point. The capacity that might be used to serve a large customer could also be used to meet requests for firm service from large interruptible customers. NM has received requests for firm service from such customers, but these customers have been unable to obtain this service because existing pipeline capacity is insufficient.

In addition to meeting this expected load growth in the northern areas, the pipeline could also provide gas supply to the proposed GEP if the electric generation plant is approved and constructed. The pipeline route runs through the GIP property, which is relatively close to the DTI gate station. The size and operating pressure of the proposed line could provide for deliveries from DTI to GEP. However, GEP would have to arrange for supplies to be transported by DTI and for increased operating pressure at the gate station to accommodate the increased deliveries.

ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION STANDARDS

Pursuant to PSL §121-a(1) Niagara Mohawk has certified that, in constructing fuel gas transmission lines less than 10-miles long in New York State, it will comply with its own Environmental Management and Construction Standards and Practices for Natural Gas Transmission Facilities (EM&CS&P) approved by the Commission in Case 70100. The measures and techniques contained in the EM&CS&P, when properly applied, will help ensure that environmental impacts are minimized during construction, operation, and maintenance of the facility.

Additionally, NM has provided site-specific details and plans to address circumstances inherent in constructing a large diameter pipeline on a ROW containing multiple transmission facilities, most notably an underground gas transmission pipeline and overhead electric transmission lines. These details are set forth in the following discussion.

NATURE OF PROBABLE ENVIRONMENTAL IMPACT

The proposed pipeline will traverse a mix of land uses. Low-density rural and residential housing exists along about 5% of proposed route. Industrial land use occupies approximately 2% of the ROW, with rural wooded and agricultural lands making up the majority of the land use encountered. In siting the proposed pipeline, NM has succeeded, in most instances, in distancing the pipe from residences to minimize disruption during project construction. In four locations, the pipeline comes to within 100 feet of a residence. In addition to the safety and environmental protections contained in the EM&CS&P, the Company has committed to observe additional construction management practices with respect to all residences within 100 feet of the construction work area. These include:

- Maintaining a minimum of 50 feet between the residences and the construction work area;
- Preserving mature trees and landscaping within the construction work area, where possible;
- Stripping topsoil from the construction work area (or replacing where topsoil cannot be segregated);
- Fencing the construction work area for a distance of 100 feet on each side of a residence to ensure that construction activity remains within the work area; and

- backfilling the trench and restoring lawn and landscaping immediately after pipe installation, as weather conditions permit

The proposed pipeline will cross about 5,500 feet of agricultural land. Agricultural uses currently include hayland, rotated crops, and vegetable farming. Staff, the Company and the New York State Department of Agriculture and Markets (Ag&Markets) conducted joint field inspections to review the proposed construction. In its application, the Company has committed to follow the specifications developed by Ag&Markets titled, "Pipeline Right-Of-Way Construction Projects, revised 11/97," for all construction activity on agricultural land. In addition, the Company will secure appropriate ROW width in order to perform the required topsoil stripping as recommended. Ag&Markets has stated that following these procedures will minimize construction impacts on agricultural lands to the maximum extent practical.

Industrial land use occurs along approximately 2,300 feet of the proposed route and is located in the immediate vicinity of Route 5 in Glenville. Most of this industrial land is contained within the GIP. The proposed pipeline will traverse the GIP to the west of the site proposed for use by the GEP. Within the GIP, the pipeline will be installed along road shoulders in order to minimize impacts to the GIP's useable space.

Undeveloped forestland is found adjacent to approximately 80% of the proposed route. NM has identified the specific methods of vegetation removal and disposal in its application.

The proposed pipeline will cross several surface waters, wetlands and floodplains and the Company has requested that a Water Quality Certification pursuant §401 of the Federal

Clean Water Act (Water Quality Certification)⁴ be issued in conjunction with this Certificate. A Water Quality Certification will be issued separately. NM has delineated a number of principal wetlands under the jurisdiction of the Department of the Army Corps of Engineers (ACOE). The Company is in the process of securing a determination from the ACOE that all proposed construction within federally-regulated wetlands will be done in accordance with the ACOE Nationwide Permit No. 12. Four State-regulated wetlands (one Class I and three Class II) will be encountered. Seven State-protected streams, including two Class A and two Class C (T) will be crossed. Staff, New York State Department of Conservation (DEC), and the Company have made numerous site visits to these resources to discuss construction options. By letter dated October 17, 2002, the DEC provided comments regarding stream and wetland protection measures to be implemented during construction. The measures will be protective of these resources as required by State law. In addition, implementation of the special stream and wetland crossing techniques identified in the EM&CS&P as supplemented, along with selective clearing, will further minimize adverse impacts on these resources. Restoration to below pre-construction grades will encourage re-establishment of wetland communities and further minimize long-term impacts. All streams will be crossed using a dry technique such as a pump-around, or be directionally drilled, as will be the case for the Mohawk River.

The pipeline will cross under the Mohawk River in the area just north of State Route 890 and just south of the GIP. From beneath the Mohawk River, extending north of the GIP, lies the Great Flats Aquifer, part of a public watershed supplying

⁴ 33 U.S.C. §1341.

potable water for the Schenectady area. Within the watershed, the pipeline will cross the Schenectady County Zone II and Zone-III General Aquifer Recharge Areas. By memo dated March 20, 2002, the Groundwater Management Planner for the Schenectady County Intermunicipal Watershed Board indicates that the pipeline, as proposed, poses no threat to the quality and quantity of groundwater in the aquifer. The planner does outline some precautions to be adhered to when construction activities occur in the aquifer recharge area. These include:

- Providing information on the horizontal direction drill activities, including petroleum storage practices;
- Using petroleum-free drilling muds and components;
- Refueling all equipment on impervious surfaces

We agree that these precautions are reasonable and further will require that the Company provide a work plan detailing these and other precautions to be taken during construction in this area. Implementation of standard erosion and sedimentation controls and petroleum storage and use practices should further minimize any potential impacts to the aquifer. Additionally, the Company will be required to closely coordinate all construction activities in this area with the Board Planner including pre-construction notification.

The Alplaus Kill (a Class B stream) will be crossed in the Town of Charlton just north of Crooked Street. NM has committed to use a "dry" crossing technique, described in its EM&CS&P. Due to existing stream bank erosion that is occurring in the area of the pipeline crossing, the Company has agreed to provide Staff and the DEC with a detailed construction plan for work in this area during construction and restoration. Details to be provided in the plan include:

- workspace limits;
- equipment-crossing technique;
- pipe design;
- stream-flow control; and
- bank stabilization measures

The proposed pipeline will be located within the floodplain of the Mohawk River. Restoration of the ROW to pre-construction grade will avoid adverse impacts to this area.

The route of the proposed pipeline encounters a variety of soil types on slopes ranging from level to steep. Although steep slopes are few, these soils will be protected by the practices contained in the Company's EM&CS&P. Rock outcroppings are infrequent along the ROW and blasting is not anticipated. Should blasting be required, the Company will follow its own blasting guidelines.

The proposed pipeline route crosses no unique old-growth forests, active sugarbushes, or productive timber stands. The New York State Registry of Big Trees does not identify any registered trees in the project vicinity. As stated previously, clearing of forested areas will be minimized by routing the proposed pipeline along the existing utility corridor and any vegetation clearing and disposal that is required will be conducted in accordance with the EM&CS&P for the project and detailed on final construction drawings submitted to Staff. Moreover, NM has agreed to provide additional specifications for clearing wherever it does occur.

No known occurrence or potential habitat for threatened, endangered, or rare species exists within the project vicinity. In the event that a previously unknown nest, den, concentration, or individual rare or endangered species is

encountered, the Company will avoid those species and promptly notify DEC.

A Phase 1A and 1B archeological study was conducted to identify the presence of any cultural resources along the proposed route. According to the Company's archeologist's report, no prehistoric or historic artifacts were found and no subsurface features were observed. The report concluded that no further research was recommended. The Office of Parks, Recreation and Historic Preservation (OPRHP) is still reviewing this report. Construction may not commence until the OPRHP completes its finding and issues a "No Impact" determination.

No officially designated visual resources, including scenic areas, roads, vistas, and overlooks, are encountered by the proposed project. The Company has submitted a draft updated long-range ROW management plan that will address, among other things, vegetation maintenance on the ROW. In developing this plan, the Company will consult with appropriate State agencies and coordinate its ROW management practices to minimize impacts on sensitive resources.

PUBLIC COMMENTS

Several letters were received from property owners, municipalities and various Industrial Development Authorities (IDAs). The IDAs of Schenectady, Corinth, and Moreau, and, the Towns of Moreau and Corinth, support the proposed project. Other letters came from property owners abutting the proposed ROW in the area of the originally proposed regulator station, either expressing concerns or objecting to the station.

By letter dated October 17, 2002, the Town of Charlton (Town) submitted comments regarding the Town's review of the proposed regulator station location and site plans. The Town requested that NM provide a detailed description of the

site layout. The Company is preparing these plans and will be required to submit them as part of the final construction package. Moreover, the Company plans to attend a Town Board meeting in order to facilitate the Town's review process. This will afford the Town the ability to make final comments on the plans, as appropriate, prior to submittal.

On September 22, 2002, Public Statement Hearings were held in the Town of Scotia. Statements made on the record can be categorized into five general topic areas. These topic areas include:

- Pipeline Safety;
- Aquifer Water Quality;
- Regulator Site Location and Plans;
- Impacts to Abutting Landowners; and
- Project Need

On the issue of pipeline safety, a number of comments were made in regards to the two originally proposed pipe bridges. One bridge crossing a gravel pit, 1,000 feet north of the GIP, and one crossing the stream gorge north of Ridge Road. In response, the Company has modified its plans and now proposes to underground the pipeline through the gravel pit. NM is still evaluating the various impacts and costs of installing the pipeline underground versus overhead in the area of the gorge north of Ridge Road. The gorge is a 40-foot-deep, sheer rock-walled area with a stream flowing in the bottom. Given the topography, a number of issues have to be examined in further detail. We will require that a plan for this area be submitted to Staff by NM which incorporates its rationale for its choice in regards to: cost, pipe integrity, security, and environmental impact.

A number of comments were made regarding the potential impacts of construction on the water quality of the great flats aquifer including possible contamination by Trichloroethane (TCE) to the aquifer within the area of the GIP. The body governing the protection of the aquifer, the Schenectady County Intermunicipal Watershed Rules and Regulations Board (Watershed Board), believes that the construction of this pipeline will have no adverse impact on water quality within the aquifer. It did have some recommendations regarding practical steps to be taken to ensure water quality is protected during construction. In addition, we will require the Company to notify the Watershed Board prior to construction. The Company will implement the recommendations of the Watershed Board within a work plan to be submitted to Staff. Regarding the potential of TCE contamination of the aquifer during construction through the GIP, the DEC, by letter dated November 1, 2002, reports that there is little potential for this to occur due to the relatively shallow depth at which the pipeline will be buried.

Some commentators questioned the need for the project. Our Staff's assessment, detailed herein, finds that this project is needed. We agree.

Most of the comments on the record were from the residents of the Town of Charlton and the Town itself regarding the site plans and location of the proposed regulator station. These comments were based on the first proposed location 450 feet north of Stage Road. Concerns about the effects of the station to the local residents ranged from property value degradation to landscaping to noise. In response to these comments, the Company has elected to utilize the alternate location for the station, discussed in its application, which is approximately 2,000 feet north of the first site. This site eliminates the aforementioned impacts to the local community.

The additional pipeline installed to run the 2,000 feet to the alternate regulator station location will require that an additional State-protected stream and another State-regulated wetland are crossed. In order to meet the DEC permit standards for these resources, the Company will be required to bore under the stream and the wetland. No disturbance is allowed to either the stream or the wetland and all construction equipment will cross the water bodies on mats. Little additional clearing will be required to accommodate the 2,000-foot extension.

Some abutting property owners raised issues such as: pipeline safety; impacts to forests, streams, and other ecosystems; increased travel along the ROW by off-road vehicles, security, and the inconvenience that will occur as a result of pipeline construction. In recent months, the Company has met with property owners along the project route and has been able to address most of their concerns and handle special requests through the acquisition of easements or by inclusion in the construction management plan. The Company has committed to continue to work with abutting landowner issues. NM will identify landowner concerns on a line list, which will be submitted to Staff and used during construction to ensure compliance with the Company's commitments to landowners. Concerns about affects to ecosystem resources will be addressed by compliance with the EM&CS&P and by the presence of a full-time on-site environmental monitor who will provide oversight during all phases of project construction and restoration.

A number of E-mail correspondences have been received to date, some opposing the project or requesting information relative to the project's location. By letter dated October 1, 2002, the Company requested that the Commission withhold making a determination on this case to allow time for the Company to

explore possible resolutions to issues raised at the public statement hearings.⁵ The Company's request was granted⁶ and a hearing was held on November 13, 2002. At the hearing, the parties reported that all issues have been satisfactorily resolved. Accordingly, no further hearings will be held.

REQUESTS FOR WAIVERS OF LOCAL LAWS

Pursuant to 16 NYCRR §85-1.2, the Company requested no waivers of specific local laws and regulations as being unreasonably restrictive.

CONCLUSION

Pursuant to PSL §121-a(7) the Commission finds and determines that:

- the line is needed as discussed above;
- the nature of the probable environmental impact is as described herein;
- the line will not pose an undue hazard to persons or property located along the area traversed by the line, as discussed above;
- the location of the facility, as proposed, conforms to applicable State and local laws and regulations; and
- the facility will serve the public interest, convenience, and necessity, as discussed above.

⁵ PSL §121-a(7) requires that the Commission issue a decision within 60 days after it received a complete application, unless a hearing is required.

⁶ Case 01-T-1160, Niagara Mohawk Power Corporation - Gas Transmission Line, Order Requiring Hearing (issued October 23, 2002).

The Commission orders:

1. Niagara Mohawk Power Corporation (the Company) is granted a Certificate of Environmental Compatibility and Public Need, pursuant to PSL §121-a(7), to construct the fuel gas transmission facilities described in its application filed August 21, 2001, and supplemented on May 3, and August 15, 2002, and in this Order, subject to the following conditions. Each substantive state and local law and regulation applicable to the location of the facility shall apply.

- (a) the Company shall apply the measures and techniques contained in Niagara Mohawk Power Corporation's Environmental Management and Construction Standards and Practices for Natural Gas Transmission Facilities (EM&CS&P) (approved in Case 70100) and its standards for working in the proximity of high-tension lines;
- (b) the Company shall report to the Department of Public Service (Staff) any proposed changes to the approved project, including proposed changes to the approved measures and techniques to be applied to the environmental management and construction of this project; Staff shall refer to the Director of the Office of Electricity and Environment (OEE), for approval, those proposed changes that would not cause substantial adverse environmental impact and shall refer all other proposed changes to the Commission. The Company may not execute the proposed changes until it receives oral or written notification from the Secretary of the Commission (Secretary), or the Director of the OEE;

- (c) except where this order requires otherwise, the environmental protection measures contained in the application, supplemental filings and discovery responses, made by the Company shall be applied during construction, restoration, operation and maintenance of the certified facility;
- (d) the Company shall notify the Secretary prior to construction that all local, state and federal permits sought by the Company have been issued;
- (e) at least thirty (30) days prior to construction including clearing, the Company shall submit for Staff's review and acceptance final construction drawings. The final drawings shall show:
 - (i) The general width of construction work areas and those areas along the ROW where rock jacket will be used around the pipe;
 - (ii) construction design plans regarding the regulator station and the crossing of the Alplaus Kill at a scale of 1 inch equals 40 feet or larger;
 - (iii) plans for the horizontal directional drill (HDD) of the Mohawk River including but not limited to workspace limits, drilling fluid composition, and petroleum handling specifications;
 - (iv) plans for access, work space requirements, construction techniques, equipment crossing techniques at streams, pipe design, stream flow control, bank stabilization, spoil piles, and protection of underground facilities;

- (vi) all temporary construction work areas consistent with the general width of the construction work area (75 feet);
 - (vii) location of sites requiring trimming or clearing of vegetation, including identification of the clearing technique to be employed;
 - (viii) locations and boundaries of all areas on and off the ROW to be used for access, equipment parking, fabrication, staging, and lay down;
 - (ix) the New York State licensed engineer's stamp on any plans for the proposed pipe bridge;
- (f) the Company shall provide construction contractors with complete copies of the Certificate, the EM&CS&P, construction drawings and site-specific plans all of which will be made part of the Contract document;
- (g) the Company shall consult with each local department or agency having jurisdiction over public roads and waterlines, in the project vicinity, that will be crossed or paralleled by the pipeline or used for direct access to the right-of-way (ROW). At least fourteen (14) days before the Company begins construction within the ROW limits of such roads and waterlines, it shall notify each such department or agency of the approximate date work will begin, the crossing locations or uses, depth of facility crossing, and related considerations; nothing in this clause alters the Commission's jurisdiction as the ultimate decision making authority with

respect to the siting of major utility transmission facilities;

- (h) roadside boring and receiving pits shall be backfilled for a distance of at least 15 feet from the travel portion of the road within one day of the facility's installation, unless conditions or circumstances warrant a different period in which case the pit shall be satisfactorily barricaded;
- (i) the Company shall ensure, at a minimum, that a qualified environmental monitor with stop-work authority is on site at all times during construction, particularly in areas such as agricultural lands, water crossings, wetlands and near residences. The environmental monitor shall be equipped with sufficient documentation, transportation, and communication equipment to monitor contractor compliance with the provisions of this Order, applicable sections of the Public Service Law and the EM&CS&P. The name and qualifications of the environmental monitor shall be submitted to Staff at least two weeks prior to the start of construction;
- (j) any fines, penalties, or environmental damage resulting from actions performed by contractor personnel working on this project (from work directly or indirectly associated with this project) shall be the responsibility of the contractor. The Commission may also seek appropriate penalties from the Company as a result of its contractors' actions;

- (k) during normal operations, the maximum pressure of the pipeline shall not exceed 900 psig;
- (l) the Company shall exercise all necessary and reasonable precautions to minimize stream sedimentation and soil erosion in work areas and on the ROW. Further, the Company shall take prompt and effective action to control excessive sedimentation and erosion, in the event it does occur;
- (m) in areas of the ROW subject to soil erosion (including stream and wetland approaches), the Company shall install and maintain temporary erosion control devices as soon as practicable, but in no event later than the end of the workday in which the disturbance occurs;
- (n) construction of the certified facility shall be subject to inspection by authorized representatives of the DPS;
- (o) the Company shall notify Staff of the proposed commencement date at least ten (10) days prior to the start of construction;
- (p) before pipeline construction begins, in areas where the pipeline alignment does not follow a public road ROW, edges of the pipeline ROW shall be staked and flagged, as well as the outside edges of the easements for the off ROW access roads that go to the pipeline ROW;
- (q) the Company shall confine clearing and subsequent mechanical treatment of vegetation to the minimum necessary for construction, operation, and maintenance of the certified facility; during clearing operations, all brush and trees shall be

- felled into the ROW to minimize damage to trees and structures on adjacent land;
- (r) at least two (2) weeks prior to the start of construction, the Company shall have a pre-construction meeting. An agenda, location, and attendee list shall be agreed upon between Staff and the Company. The Company shall supply draft minutes from this meeting to all attendees, the attendees may offer corrections or comments, and the Company shall issue the finalized meeting minutes to all attendees;
- (s) prior to the commencement of construction, the Company shall notify the property owners located along the ROW, including the Schenectady County Intermunicipal Watershed Rules and Regulations Board, of the estimated starting and ending dates of the construction of the pipeline; the procedures to follow to obtain additional information regarding the pipeline; the name and telephone number of a Company representative who can provide information in response to any potential property owner inquiries; and the name and telephone number of a Department of Public Service contact person who can provide information in response to potential property owner inquiries;
- (t) at least thirty (30) days prior to construction, the Company shall establish detailed written construction specifications to cover all phases of construction work in accordance with 16 NYCRR §255.303;

- (u) the Company shall employ qualified construction inspection personnel in accordance with 16 NYCRR §255.305;
- (v) the Company will follow the specifications outlined in the NYS Department of Agriculture and Markets Bulletin titled, "Agriculture Mitigation Through The Stages of Project Planning, Construction and Follow-Up Monitoring, revised 11/97," for all work within agricultural lands;
- (w) at least thirty (30) days prior to construction the Company shall provide to Staff an engineering report, including a summary and analysis of calculation results and mitigation procedure to protect the pipeline from anticipated induced voltage and transient currents in the areas where the proposed pipeline is in close proximity to high-voltage electric transmission facilities;
- (x) at least thirty(30) days prior to hydrostatic testing, the Company shall submit a hydrostatic test plan addressing at a minimum, DEC comments and water intake and discharge plans, for Staff acceptance;
- (y) the Company shall follow its blasting plan for all blasting operations in close proximity to overhead transmission lines, underground facilities, residences, and other inhabited structures;
- (z) the Company shall submit a completed Appendix 7D Form to the Office of Gas and Water of the Department of Public Service at least thirty (30) days prior to construction;

- (aa) the Company shall submit a revised long-range ROW management plan for the certified facility within one year of completing construction of the facility;
- (bb) the Company shall, upon completion of the project, conduct an assessment of needs for remedial vegetation plantings. The result to the assessment and any proposals for the addition of new plantings or rearrangements of existing plantings, and specifications for plantings shall be submitted to Staff for review and acceptance by the Secretary of the Commission no later than six (6) months after the facility is in service.
- (cc) final restoration of the ROW shall commence no later than 20 days following backfill;
- (dd) within ten (10) days of the completion of final restoration, the Company shall so notify the Commission in writing;
- (ee) the Company shall promptly notify the Commission in writing should it decide not to complete construction of all or any portion of this project and it shall serve a copy of such notice upon all parties;
- (ff) if construction of the project hereby certified is not commenced within twelve (12) months, this certificate may be vacated without further notice; and
- (hh) within thirty (30) days after the issuance of this Order, the Company shall file with the Secretary either a statement accepting this certificate and agreeing to comply with all of its conditions or a Petition for Rehearing.

2. This proceeding is continued.

By the Commission,

(SIGNED)

JANET HAND DEIXLER
Secretary