

NYS Department of Public Service
CASE 06-T-0650

There is little I can add to the concrete arguments and often impassioned statements presented to you over the course of the last two weeks. To recap briefly, the negative economic impacts will devastate our already faltering upstate economy and dwindling real estate values; our electric rates will go up; *our* tax dollars will guarantee NYRI a 2.75% rate of return on their investment; sensitive environmental areas will be negatively impacted; the use of eminent domain to seize private property to line the pockets of undisclosed foreign investors is inconceivably wrong, if not immoral; the health of those living under the line will be compromised; we will lose our few remaining family farms, having often spanned generations, due to increased electric costs they will be unable to absorb; our beautiful, historic villages having evolved along the railroad, from which they drew their economic strength, will now be destroyed by their former lifeblood. All of this, for a transmission line the New York Independent Systems Operator and the NYS Energy Research & Development Authority have determined is not needed, while both the State of New York and New York City are actively working towards reducing our energy demands through countless initiatives.

This *is* a test case. Allow NYRI to run over the will of the people and you set a precedent for future NYRI's to crisscross our state with unneeded transmission lines that will clog the PSC process with future Article VI proceedings. Deregulation and the Energy Policy Act of 2005 (written behind closed doors by Dick Cheney and CEOs from within the energy industry) are the culprits in bringing us here today.

I fully understand the ramifications of the Public Service Commissioners denying this application. The Federal Energy Regulatory Commission will then have the authority to determine the outcome of our state's needs. But, not to worry...there is change afoot in Washington. Hillary Clinton, in a recent visit to Utica, was quoted as saying, "We're going to stand against our people – our constituents – being FERced, it's not going to happen if we have anything to do about it." Indeed,

every elected official representing us is vehemently opposed to this project.

There is one thing, however, that NYRI may be thanked for - it has caused all of us, whether fifth generation residents or recent transplants from major metropolitan areas, like myself, to re-examine why we have chosen to live in this beautiful region of upstate New York. We all concur – our homes and chosen lifestyles are worth fighting for. NYRI has brought us together; we have made new friendships and alliances across party lines and across seven counties.

We are well over 900,000* strong, united against everything this project stands for. NYRI has chosen it's battleground most unwisely. The power of a people united against the grievous wrong NYRI seeks to perpetrate upon it should not be underestimated. We will fight this project to the end, in Washington if need be.

In closing, I would like to request that you, Judge Phillips and Judge Stockholm, will schedule an official inspection of the proposed route during the Evidentiary Hearing phase of these proceedings to gain a first hand understanding of what we stand to lose if this project is approved. Come to Clayville, Sherburne, Otisville, and the countless other villages that would be affected by this proposed transmission line. Come see for yourselves, and relay your findings to the Commissioners in whose hands our future is held, come see how many homes and businesses will be lost in the shadow of the proposed lines and gain a full understanding of how this project will devastate the entire 190 mile corridor.

Thank you for both for coming to Norwich today and holding Public Hearings in all of the affected counties.

Silke Mahardy
348 Casey Cheese Factory Road
Sherburne, New York 13460
silkemahardy@hotmail.com
607-674-2017
November 6, 2008

*The 2006 US Census figures for the combined population of the seven counties is 920,000.

**Statement for PSC Public Hearing in Norwich
on November 6, 2008, regarding Case 06-T-0650;
the proposed New York Regional Interconnect high voltage
DC power line project.**

I wish to hereby submit my opposition to NYRI as a citizen of Chenango County through which it is currently scheduled to be built if approved. I appreciate this formal opportunity to hereby enter my comments into the public record, and thank the Public Service Commission for expanding the scheduling of these Informational Forums and Administrative Law Judges' hearings beyond the initial two sites. It is the Public Service Commission's job responsibility in this permitting process to provide the opportunity for citizen comment, and having meetings in every one of the impacted counties is appreciated, as is the additional recent notification provided by ads placed in local major newspapers by NYRI itself at the Commission's request. Perhaps the Oneonta meetings might have been more fruitful earlier.

Many people have said to me, oh, isn't the power line a done deal? I can only conclude that they have confused the application acceptance in August-- after 2 and ½ years of submissions of requested additional data, that you had already given them the green light to proceed. I reply, "no, the actual fight has really just begun".....

My opposition to NYRI is total agreement with all the 10 concerns listed by the local citizens' activist organization of Madison and Chenango counties, Stop NYRI, Inc., which is attached. I won't expand on any of them as every issue has been, and will continue to be eloquently and passionately expressed numerous times and in numerous ways by statements being offered. The validity and substantiation of any of these points of opposition to NYRI can of course be documented upon request from you, and will most likely be part of the evidentiary hearings to take place in Albany at a later date as this process moves forward.

Today I just have a few worries to briefly mention:

First of all I am highly suspicious of the federal Energy Policy Act of 2005 or EPACT. Certainly the urgency for this country to have a forward looking energy policy needs to be given the highest priority, but as it stands I think it opened the door for the creation of a company such as NYRI which has been characterized as 'an investor's opportunity disguised as a need.'

Secondly, that this law places upon the PSC a time constraint of just a year within which to reach a decision about NYRI is a violation of states' rights, as is the opportunity for NYRI, if not approved, to seek federal approval to build. Furthermore, should the Federal Energy Regulatory Commission give their go-ahead, the company would also be granted eminent domain powers as well. I urge you to not be intimidated, rather consider challenging these federal infringements with the collaborative help of the Attorney General's office, despite the Supreme Court decision regarding the Kelo vs. New London case.

I am sure you are well aware of the Governor's Executive Order on April 9th of this year calling for the creation and implementation of a much needed and currently non-existent state energy plan, as the PSC is a party to it's Energy Planning Board and therefore involved in working on this directive. I would hope that the conclusion you reach in the permitting process is to deny NYRI's request; finding their plan to be counterproductive in achieving the objectives of a forward-looking 21st. Century energy policy. which, in the minimum, will be looking at the upgrading of the current aging power line infrastructure with the latest energy conserving technology and reducing energy use by 15% by 2015, for starters.

Now for a word directly to NYRI: it seems to me that there is enormous potential in the context of the forth-coming energy policy and all its related aspects for your investors to really do some good by investing, not in NYRI, but in new innovative energy solutions needed to help stave off climate change and promote sustainability. Invest in the cutting edge of the future, not in building this power line!

Thank you for your consideration of these comments.



(Ms.) Christine Brunner
174 Warner Rd.
Norwich NY 13815-3440
phone/FAX 607-334-6095

PS= I have gained confidence that the Commission does not approve every power line proposal it reviews, as some critics claim. For one example to review, in May 1997 Case 92-T-1081 was denied on the basis of a cost-benefit analysis as well as unwanted changes to the scenic landscape (NYS PSC Opinion No. 97-6).

—ATTACHED 10 POINTS OF OPPOSITION---

We oppose NYRI because:

- 1 it would displace families, farms, and businesses through forced sale under eminent domain, and depress the market value of adjacent properties.
- 2 it would blight long stretches of exquisite rural scenery, damaging the region's hope of increasing tourism
- 3 it would raise electric rates all over upstate New York, affecting both homeowners and businesses, especially manufacturers.
- 4 it would damage environmentally sensitive areas
- 5 it would slice through cities, towns, and villages by following the railroad line through them, harming the economic and civic lives of those communities
- 6 it would permanently destroy and disfigure the view shed of the historically significant Chenango Valley transportation corridor
- 7 it has already undermined the cause of forward-looking, balanced energy policy by creating a costly diversion of resources to a badly-sited power line that New York does not need
- 8 it would do great harm to the economy, environment, and culture of upstate New York while offering no commensurate benefit
- 9 it would diminish our faith in government, by using the power of government to subjugate the rights of individuals in favor of a corporate land-grab that serves no true public good
- 10 NY does not need it

November 5, 2008

I live in Five Mile Point, Town of Kirkwood near the corner of Broome County where NYRI is supposed to go.

I stand here today with much concern regarding this project. Many questions need to be answered.

It has been reported that this project will re-distribute our surplus power to the downstate area. Do we really have a surplus? Having worked 30 years for a public utility, I know they have surpluses which they use as the business demands. For years, power companies have had surpluses which they buy and sell as their demands are met. Without these available surpluses, our services could be in trouble, especially in emergencies.

The southern tier and central New York are trying to entice industry and businesses to their area. They will need that surplus and maybe more!

I have no doubt that New York City needs extra power. It has $\frac{1}{3}$ of the state's population (as well as $\frac{1}{3}$ of the politicians) and is certainly a very high user of electricity. However, I cannot agree with sending our surplus to their area!

Wouldn't it be wiser to put another 1 or 2 million dollars in the project and build a new plant in that area?

Since electric companies charge a delivery for each month, it certainly would decrease the delivery fee cost since the delivery would be 190 miles less!! My delivery fee this past month was \$10.27 for 296 KWH! I believe their bills would be much more than 296 KWH per month!

The proposed route of 190 miles calls for the installation of 150 foot high poles. Poles made of steel, then galvanized. What is the cost of such poles? With all the hardware that goes with it, I would guess the cost is probably between \$5,000 and \$10,000 each – maybe more. How many poles are required per mile for 190 miles of line? Can anyone here today give us an actual cost for this 190 mile line project? Would it be better spent building a plant in the downstate area??

According to a news report in the Syracuse Post Standard (March 13, 2007) which they filed a FOIL to obtain, it states that "NYRI struck a deal worth at least \$1.5 million with the New York Susquehanna & Western RR three years ago." (That would be in early 2004).

Question – Since railroads were originally built using eminent domain, can the railroad receive money from another business to use that property? Eminent domain has become the devil's own machine and even he can't control it now. Was this the intent of the original framers of eminent domain laws?

The article states that NYRI agreed to pay NYS&W railroad \$1.5 million by 2008 for the rights to run a stretch of the proposed power line in its right of way. Should the 190 mile long line be approved, the agreement also calls for payments during construction and lease payments thereafter. **THOSE SECTIONS OF THE CONTRACT WERE BLOCKED OUT!!**

I have to ask why are you wasting your time and ours having these meetings? This is apparently a done deal right from the get go!!

I will give a copy of the Syracuse item to anyone who wants it. I think it has politics and deals, including county IDA's all over it. In fact, one county IDA chairman, Rick Bargabos, made a statement ending by saying, "It's a very complicated issue." If

this project had been 'above board' from conception, it wouldn't be so complicated, would it?

Thank you,

Virginia Davis
921 Route 11 Apt 10-B
Kirkwood, NY 13795
(607) 722-7307

Testimony for Chenango County Farm Bureau
RE: NYRI Power Line
Bradd Vickers, President of Chenango County Farm

My name is Bradd Vickers and I serve as the President of Chenango County Farm Bureau, representing the largest industry in Chenango County and New York State, which is agriculture. Maintaining this industry, our nations food supplier, is a matter of national security. Unlike other industries, once a farm is subdivided and sold its period end of sentence.

I commend you for taking an active role in investigating the impacts of the **NYRI Power Line** on businesses and private landowners in New York State.

In looking over the Article VII application put together by NYRI in the limited access Farm Bureau has had to this material. I find it amazing how many of the documents submitted contained a request for a waiver of some sort, be it from local or state regulations and/or ordinances, to height limitations in agriculture districts, to regulated wetlands (approximately 36 state and 35 federal), to requirements to submit detailed plans to protect fish and other aquatic from harm of explosives.

While agricultural business may not alter or remove gravel from a stream bed without being permitted or be subject to a hefty fine. In a neighboring county a producer permitted by one state agency was fined by another. Yet this company will be crossing 154 streams and rivers classified as class C or higher and expects to receive numerous waivers.

Of the proposed 190 mile route, 65 miles (with ¼ mile width from the center line) will be going through agriculture districts.

This is a vast area and a major concern when you take into consideration that any cuts through farm land or where tower, buried cable and H structures are located on cropland and hay land, it creates burdens and issues, such as:

- maneuverability of farm equipment;
- loss of fenceline segments and gates during construction;
- damage to agricultural soil and water conservation systems during construction
- compaction of soil during construction
- rutting and erosion of fields during construction
- hindrance to planting, spraying and harvesting throughout the period of construction;
- electromagnetic field in close proximity with the transmission power line, e.g. fence lines and operating farm equipment under the power line requiring grounding precautions
- periodic power line maintenance or emergency repairs alone brings about concerns such as:
 - detrimental use of application of spray for brush control in close proximity to or through cattle grazing brushlots.
 - leaving farm gates/fence lines open during and after maintenance, problems of livestock running loose and burden of rounding up strays or replacing injured livestock
 - cutting across fields during growing season instead of using designated access.
 - Grounding & stray voltage can cause abortions calving loss drop in milk production in cattle.
 - Explosives affect on aquifers again waivers requested

It should be noted that even the current right of ways (ROW) referred to by NYRI are not unlimited as their width. Increasing the width of these ROWs to the requested ¼ mile from the centerline, as well as the proposed 19.5 miles of NEW ROWs, will require

purchasing the land or the taking of the land through eminent domain. Farmers, of course, recognize that circumstances can arise in which their land can be acquired for a legitimate public purpose (versus a for-profit private project).

New York Farm Bureau (with over 30,000 farm family members) Chenango County Farm Bureau and the additional County Farm Bureau's along the proposed route have passed resolutions in opposition to this project and to the taking of property by eminent domain by private for-profit entities.

You can imagine, agricultural lands are extremely vulnerable to these types of actions. However, agricultural lands are vital to the economic well-being of our state, protect the environment and produce food. Food; that is often shipped to the same area that this proposed project is expected to service. In Chenango County alone, 15 tractor trailer tanks of milk are shipped everyday. Food is a very necessary commodity, while this proposed project has yet to provide proof of its necessity.

While eminent domain and fair market value pose a new meaning to agricultural property. We now have to consider mineral rights, surface rights, and the gas leasing issue.

SOLUTION:

We must reinstate Article X Electric Generation Siting law which expired January 1, 2003. This is needed to provide local generation of power in the downstate area.

Current status:

Public Service Commission

The New York State Board on Electric Generation Siting and the Environment

Article X expired January 1, 2003. After that date, electric generating project developers must obtain all appropriate local and state permits and approvals, and undergo environmental review subject to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law). Project developers (if it is an electric corporation as defined in Section 2(13) of the Public Service Law) must also obtain a certificate of public convenience and necessity (CPCN), pursuant to Section 68 of the Public Service Law.

By enabling cogeneration of electricity in the area of need using NY natural gas production transported through the nearly completed Millennium Pipe Line and local gathering lines, thus keeping NYS dollars in NY and providing a market for NY produced gas, would alleviate the need for Canadian Power and the need to drag power lines all over NY.

Thank you for holding these hearings and for the opportunity to be here today.

Bradd Vickers

President - Chenango County Farm Bureau

Office 6083 State Highway 12N, Norwich NY 13815

Office Phone 607-334-6061

Cell Phone 607-226-1195

Efax 253-323-5269

Website: <http://www.ccfbny.org/>

Cindy Carter

3.

Even
11/6/88

Please lister to US

- from Utica to Middletown

Hamilton to Norwich we

stand united against this line
to nowhere.

- This project is a bad
idea on many counts and will
devastate already economically
depressed upstate New York.

New York can do much better.

- Our precious communities
and gorgeous vistas, and
unspoiled rural landscape
deserve to be preserved for
all of New York.

- Please Preserve our
Communities & Support a
more environmentally conscious
solution. ~~What is the project~~ Do Not

approve this project.

Cindy Carter

Case

06-T-0650

Norwich Public Hearing on
NYRI

11/6/08
Afternoon 2:00
Session

Thank you Michelle Phillips
and Jeffrey Stockholm ...
for being here today to listen
to the public. May you take
the totality of our statements
into ~~our~~ account and give them
due attention. Please do not
approve a bad ^{project} under threat
of F.E.R.C. taking over. Being
pressured to give insufficient
time by the federal government
is a states rights issue.

Please do not ~~approve a~~
~~bad project~~. be afraid of ~~turning~~
to ~~down a bad project~~ turn a
bad project down. We are prepared
to make a federal issue out of this.
We plan if need be to bring the fight
to F.E.R.C. if this project is strong
armed by the ~~Fed~~ Feds.

Whether or not this project goes
through F.E.R.C. or is decided
by the P.S.C., this project is
moving forward under the threat
of Eminent Domain seizures by a

private company. For our government through E.P. ACT of 2005 to allow Eminent Domain seizures is a subversion of the constitutional meaning of Eminent Domain Law. Use of Eminent Domain is not in the overall public good, as impact on our public is maximal since the planned power line goes through the most densely populated areas in our region, in fact it would wipe out a number of small historic towns entirely. This is certainly not part of overall public good.

To put private profits above the sanctity of hearth and home by threatening to take our homes away is the height of immorality. Where are the protections for home owners and communities? Does the public service commission take public safety and protection of home owners seriously? Where is the public service in the PSC?

Cindy Carter

①

Dear PSC Judges,

You will hear testimony throughout this proceeding speaking to the unparalleled beauty of this area, and the last of the true American "communities" that exist all along this railroad.

And so I want to focus on a different facet of this "rails-for-corporate-cottage" proposal, and that is the railroad itself.

At a time when fuel conservation and fuel economy are finally taking center stage, this NY&P proposal - in its very execution - would waste millions of dollars in fuel and energy for the manufacturing and transport of elements necessary to build a powerline. This dovetails nicely with current efforts to drill, drill, drill these same communities for natural gas.

I propose we resolve both

supposedly "urgent needs" with one
solution: The RAILROAD.

If Norwich and all towns along
the track rejuvenate the railway for
what it was originally intended -
transportation of goods and people -
you not only save billions of
gallons in fuel consumption, but
you'd also actually generate revenue
for local economies.

The Federal EPA has noted
that transportation by rail is
currently the most environmentally
friendly.

If ~~the~~ freight trains ~~carried~~ ^{carried} just
one-tenth of what tractor trailers haul
today, we'd save 1 billion gallons per
year... and substantially more if half
or more of freight were diverted to
rail.

One train carrying freight can take
500 tractor trailers off the road -
reducing congestion, reducing
accidents, and cleaning the air.

A typical truck emits nearly 3x as much nitrogen oxide and particulate matter as a locomotive on a ton-mile basis.

* Freight trains move a ton of freight 436 miles on one gallon of fuel.

Other than these environmental issues, ~~the~~ Norwich and other towns have an opportunity to attract tourists and businesses if they do as Pennsylvania, Vermont, Maryland and other states are: open up trains for scenic tours of the scenic countryside - an historic tradition in America.

Of course, this type of drilling or powerline would forever destroy any possibility of such revenue, and who would come to see powerlines and gas drilling ~~the~~ apparatus?

So I close by mentioning my elected

town officials to do what ⁽⁴⁾
other politicians have a difficult
time doing: look at energy
policy holistically - not in
piece parts.

I implore the PSC and state
officials to assess this in a
holistic manner. Allow our towns
to optimize the use of this
valuable right of way in an
energy-smart, revenue-generating
manner. Let's be innovative and
inspiring to not only our own state,
but others as well.

I have faith in our officials
and our politicians' ability
to do what's right.

Thank You.

Susana Schwartz
233 Barnard Rd
Shenburne, NY 13460
(607) 674-6890



Upper Delaware Council

PO Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 • (Tel.) 845-252-3022 • (Fax) 845-252-3359

William E. Douglass, Executive Director • David B. Soete, Senior Resource Specialist
Laurie Ramie, Public Relations/Fund Raising Specialist • Carol Coney, Office Manager

New York State Public Service Commission Case 06-T-0650: NYRI Transmission Line Proceeding

Testimony by Upper Delaware Council, Inc. November 5, 2008 in Hancock, New York

My name is Bill Douglass, and I am the executive director of the Upper Delaware Council. The UDC is a non-profit organization incorporated in 1988 which works in partnership with the National Park Service to oversee the coordinated implementation of the River Management Plan for the Upper Delaware Scenic and Recreational River, a component of the National Wild and Scenic Rivers System since 1978. Our voting members are 12 local governments which border on the Upper Delaware River and the two states of New York and Pennsylvania. The Delaware River Basin Commission is a non-voting member.

The Upper Delaware Council's core mission is to uphold the River Management Plan. This document was finalized in 1986 and subsequently approved by the U.S. Department of the Interior and both states to provide guidelines for the protection of the 55,575-acre river valley from any encroachments that could threaten the scenic, recreational, geologic, fish and wildlife, historic, and cultural values that the U.S. Congress recognized in its designation of the 73.4-mile river corridor from Hancock, NY to Mill Rift, PA.

Page 134 of the River Management Plan states that new, major electric lines with a design capacity of 125 kilovolts or greater and extending a distance of ten miles or more in length are an "incompatible use" anywhere in the river corridor.

New York Regional Interconnection's proposed 400 kilovolt direct current transmission line – whether located along the Millennium Gas Pipeline route as primarily nominated, or along the railroad right-of-way alternate route as proposed by NYRI's predecessor Pegasus Power Systems, Inc. in October of 2003 – constitutes what the River Management Plan defines as a "clear and direct threat" to the river corridor.

The Upper Delaware Council strongly believes that this project not only violates the objectives of the River Management Plan and the National Wild and Scenic Rivers Act, but it also jeopardizes our local economy through a potential loss of property values and tourism industry revenues. A line of overhead transmission towers would dramatically and permanently scar the natural, scenic quality that makes the Upper Delaware Valley so special to our residents and approximately 250,000 annual visitors.

Working together to conserve the Upper Delaware Scenic and Recreational River

*Town of Hancock • Town of Fremont • Town of Delaware • Town of Cochection • Town of Tusten • Town of Highland • Town of Lumberland
Town of Deerpark • Lackawaxen Township • Shohola Township • Westfall Township • State of New York • Commonwealth of Pennsylvania
Delaware River Basin Commission • In partnership with the National Park Service*

In addition to hosting a valued unit of the National Park System, our river valley region is home to numerous threatened and endangered plant and animal species. It is a world-class trout fishery and is recognized by the Audubon Society as an Important Bird Area. Portions of Route 97 have been designated by New York State as the Upper Delaware Scenic Byway and Bike Route 17. The Hawk's Nest section of the highway in Orange County is famous for its sweeping vistas of the river below. The area contributes three sites to the New York State Revolutionary War Heritage Trail and lays claim to numerous historic districts. A thriving arts community exists as well.

On May 4, 2006, the Upper Delaware Council unanimously approved a resolution opposing NYRI's original Article VII application to the Public Service Commission. Our position has not changed over the ensuing 27 months that it took this company to complete the application requirements.

The UDC also opposes NYRI's request to the Public Service Commission and local communities for waivers from a majority of the environmental analyses that are critical to a thorough evaluation.

We strongly denounce this private company's potential use of eminent domain to acquire private property to develop this power line.

For the record, the Council also objects to the U.S. Department of Energy's decision to include the Upper Delaware region within the Mid-Atlantic Area National Interest Electric Transmission Corridor designation and the Federal Energy Regulatory Commission's awarding of financial incentives to NYRI for the siting of this unnecessary project along any of the potential routes.

We are enheartened by the unprecedented network of communities, elected officials on all governmental levels, citizen activist groups, business associations, environmental organizations, and outraged individuals that have joined forces to fight this proposed transmission line. We hope that, at the end of the review process, the New York State Public Service Commission will deny NYRI's application.