



Department of Public Service

Public Service Commission

John B. Rhodes
Chair and
Chief Executive Officer

Gregg C. Sayre
Diane X. Burman
James S. Alesi
Commissioners

Thomas Congdon
Deputy Chair and
Executive Deputy

Paul Agresta
General Counsel

Kathleen H. Burgess
Secretary

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

May 29, 2018

Laura K. Bomyea
Young/Sommer LLC
Executive Woods, Five Palisades Drive
Albany, NY 12205
lbomyea@youngsommer.com

Re: Case 18-F-0262 - Application of High Bridge Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct an Approximately 100 MW Wind Powered Electric Generating Facility Located in the Town of Guilford, Chenango County.

Dear Ms. Bomyea:

This letter is to inform you that Staff of the New York State Department of Public Service (DPS Staff) has reviewed the proposed Public Involvement Program Plan (PIP Plan) for the proposed High Bridge Wind Project (Project) filed on April 27, 2018, by High Bridge Wind, LLC, a wholly-owned subsidiary of Calpine Corporation (Applicant).

Outlined in Attachment A is several specific recommendations from DPS Staff as to changes necessary to make the proposed PIP Plan adequate and robust. DPS Staff believes that the application process will be streamlined if the Applicant develops a thorough PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide developing the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), the Applicant, "shall within 30 days consider the measures recommended by DPS [Staff] and, in a revised written Public Involvement Program Plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program Plan to incorporate the DPS [Staff] recommendation, or provide a written explanation as to why the Applicant is not incorporating the DPS [Staff] recommendation."

Case 18-F-0262
High Bridge Wind, LLC
PIP Plan – DPS Staff Comments

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at lorna.gillings@dps.ny.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lorna E. Gillings".

Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

Cc (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Andrea Cerbin, Assistant Counsel, Office of General Counsel
Erin O'Dell-Keller, Office of Consumer Services

ATTACHMENT A

Case 18-F-0262 – High Bridge Wind Project

DPS Staff provides the following recommendations specific to the filed draft PIP plan:

General Observations and Recommendations

1. DPS Staff recommends that in the revised Public Involvement Program Plan (PIP Plan) for the proposed High Bridge Wind Project, add the case number to the front cover page and in the header of all pages where the case number is indicated.
2. On Page iii under “Term Identifiers” Adjacent Landowners is defined as “Entities owning parcels abutting the Facility Site or within 500 feet of a wind turbine.” Staff recommends that the definition of “adjacent landowners” be revised to expand the definition.” Staff recommends identifying adjacent landowners as “landowners with property within 2,500 feet of a wind turbine, solar collector array, or substation, or within 500 feet of other Facility Projects components (e.g., collection lines, met tower, O&M Facility, etc.), and any additional landowners whose homes are within 5,000 feet of a turbine. Also, the distinction between “facility area” and “facility site” is difficult to understand. Either provide a better explanation of the difference or use one term.
3. DPS recommends that the Applicant include efforts to consult with DPS Staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement (PSS).

Section 2 – Facility Description

2.2: Facility Summary

1. To the extent possible at this stage of the Project, the PIP Plan should provide additional details about the size of the Project facility. In addition, the PIP Plan should describe the general location of the project collection substation, the 115-kV electric transmission line, and the POI substation. The PIP should indicate whether the proposed 115 kV line will be less than 10 miles in length; if the length exceeds 10 miles, explain the relationship of Article 10 to Article VII review for transmission line.
2. The reference to the Bluestone Wind Project at page 2 is confusing and not necessary in this PIP Plan for the High Bridge Project. DPS recommends either deleting the reference, or providing explanation that Calpine is also developing the Bluestone Wind Project south of the High Bridge project area, in separate Article 10 Case 16-F-0559 (perhaps as additional background in Section 2.1).

3. DPS Staff notes that the information provided on the socioeconomic data (economic impact of \$9.71 to \$10.66 per MWh) is not sufficiently explained in a way that the public would readily understand. Staff advises that the Applicant provides, for example, an additional estimated economic impact figures such as the approximate total economic impact or PILOT and/or construction and/or payments to landowners. This information would be of much greater use to the public to understand the overall economic impact and benefits.

Section 3 - Identification of Stakeholders

3.1: Affected State and Federal Agencies

1. State Senator James Seward should be included in the list on page 5.
2. The following contacts for NYS DPS should be included on the Stakeholder/Notification List: James Denn, Public Information Officer; Lorna Gillings, Outreach Contact; and Andrea Cerbin, Counsel. Andrew Davis is with the Department's Office of Electric Gas and Water.
3. The regional director for the Empire State Development Corp in Binghamton is included on the list, but the President and CEO Howard Zemsky in Albany is not listed. He is also the Commissioner of the NYS Department of Economic Development.
4. The study area includes a lengthy segment of the Unadilla River in close proximity to the preliminary Facility Area. The Unadilla River is a Study River listed in the National Rivers Inventory (NRI) and candidate for listing under the Wild, Scenic and Recreational Rivers program administered by the National Park Service (NPS). The NRI inventory notes the recreational value of this resource. Federal permitting for the proposed High Bridge Wind Project may require inter-agency consultation with the NPS to assess effects on the waterway.

3.2: Local Agencies

1. Otsego County Planning Department should be included as a stakeholder, given that multiple municipalities are within the study area.

3.6: Host and Adjacent Landowners

1. See comment above for the definition of "adjacent landowners" and revise accordingly.

2. DPS Staff recommends that the Applicant add the following statement for this section: “Although they are not identified by name in the PIP Plan’s notification list, participating and adjacent landowners will be included in all mailings, outreach activities and notifications that are provided to the stakeholders as the project progresses.”

Section 4 - Language Access

1. The Applicant should indicate the year of the Census Bureau data used to provide the statistics in this section, as identified in footnote 6.

Section 5 – Proposed Public Involvement Program

1. DPS Staff recommends that the libraries in the Towns of Oxford and Gilbertsville be added as document repositories.
2. This section should also indicate how it will address calls/comments received on the toll-free line during non-business hours.
3. DPS Staff recommends that in the Revised PIP Plan, the Applicant should clearly state the hours when the Project representative will be available to the public.
4. DPS Staff recommends including a statement that additional outreach to host landowners and municipal officials will take place during decommissioning and restoration activities.

5.1: Consultation with the Affected Agencies and Stakeholders

1. The Applicant notes at the bottom of page 10 that it expects to determine which news sources are to be used for official notices after consultation with affected municipalities. On later pages the “Evening Sun” is noted as the designated publication for the official notices in the Town of Guilford and has the largest circulation in Chenango County. DPS Staff advised that the “Evening Sun” should be noted in this section as well. The Applicant should also include a daily newspaper that covers Otsego County, such as the Daily Star. Given that these publications are paid subscription newspapers, DPS recommends that the most circulated free newspaper in the facility area should be used as well.
2. This section should indicate that all stakeholder consultation meetings will be documented and summarized in the PIP Tracking Report. It should indicate that concerns and questions raised by the public will be documented in the PIP

Tracking Report. The Applicant's response should be provided in the tracking report submitted to the DPS.

5.3: Activities to Educate the Public on the Proposal, Process, and Funding

1. DPS Staff notes that Table 2, Schedule of Key Milestones on Line 1, for the Applicant's Public Information Session, the word "Session" is singular. The Applicant should plan on at least two sessions held on different days and times of the day, prior to the filing of the PSS to provide more opportunities for public participation.
2. To the extent possible at this stage, the Applicant should include a project schedule, with key project milestones and dates/times/locations for public participation opportunities.

5.3.1: Public Information Sessions

1. For entries where the Applicant indicates that it has conducted a mailing to the stakeholder list (e.g. prior to the open house meetings), the Applicant should provide an affidavit stating that it used its stakeholder list (including participating and adjacent landowners) and *filing a copy of the list of addresses with the Secretary to the Commission*.
2. The Applicant states that at this point in the progression of the proposed project that multiple sessions will be included if necessary. DPS Staff recommends that multiple sessions be held. These sessions should also be published not only in the Evening Sun as noted in the chart, but in the most widely circulated local free newspaper as well.
3. In 5.3 above, the Applicant states it will mail notice of the public information session to Stakeholders on the Notification List. DPS Staff recommends that notification of the pre-PSS open houses be mailed to all residences and businesses within the Facility and Study Areas, as well as to the host and adjacent landowners and identified stakeholders, to provide a broad announcement of the Facility. The Applicant can use the refined/updated stakeholder list for targeted mailings as the Project moves forward.
4. The Applicant should note that all Project outreach materials, including the invitation to the open houses, should reference the Project contact information, how the public can obtain additional Project information and how to be included as a stakeholder.

5.3.2: Educational Materials

1. As noted above, DPS Staff advises that education materials should include the contact information, toll-free number, document repository locations and website URL for the Project, as well as information on becoming a stakeholder.

5.4: Website

1. The Applicant's toll-free number should be indicated on the website under the contact information. Also, the e-mail address should be clearly stated.

5.5: Notifications

1. DPS Staff advises that the Applicant provides notification to anyone who is a member of the Stakeholder/Notification List (including landowners and interested parties that have signed up for inclusion on the list, or any entity who has filed a statement with the Secretary), regardless if this would be from within the last twelve months. An updated copy of the Stakeholder/Notification list should be included with the filings, as well as proof of service.
2. Public notices should be published in additional newspapers as discussed in the comments on Section 5.1.

Figures:

1. Figure 2:
 - a. In defining the "Facility Area" DPS advises that there appears to be the possibility that access to "Facility Site" properties could be available directly from NYS Route 8. Any such access roads would be considered component parts of the Major Generating Facility, and the boundaries of the Facility Site would need to be adjusted accordingly. Similar situations might occur elsewhere in the proposed layout. The Study Area would likewise need to be adjusted to incorporate the larger Facilities Site area, potentially including additional municipalities such as Delaware County and the Town of Sidney.
 - b. DPS recommends using the more recent 2016 version of USGS base mapping for the Project Area available from USGS, and including local road names for reference.
2. Figure 3: Several municipalities should be labelled in Figure 3, including the Towns of Bainbridge, Butternuts, New Berlin, and Preston; and the Village of Sidney.

Exhibit A: Notification List

1. The Applicant should remove Eric Schneiderman as NYS Attorney General and replace with Barbara Underwood, Acting Attorney General.
2. The Chenango County Highway Department is included in the consultations in Exhibit B, but is not identified as a stakeholder.
3. Under the “Municipalities in the Study Area” section, Norwich is mislabeled as a village rather than a city.

Exhibit B: Goals and Objectives for Stakeholder Involvement

1. The Applicant included the Town of Norwich Highway Superintendent for consultations. The Applicant should clarify whether this was meant to be the City of Norwich.
2. The reference to “Confer with DEC regarding Water Quality Certification requirements and process” should also identify NYSDPS staff. (DPS advises that WQC procedures are spelled out in Article 10 regulations at 16 NYCRR 1000.8.)

Exhibit C: PIP Tracking Log

1. The Applicant should provide a log that has been filled in with project activities to date.
2. The “Comment” and “Follow-up Action” should be switched. The Comment column should identify/summarize the type of comments received during the outreach activity.
3. For entries where the Applicant indicates that it has conducted a mailing to the stakeholder list (e.g., prior to the open house meetings), the Applicant should provide an affidavit stating that the stakeholder list was used (including participating and/or adjacent landowners and individuals who have requested to be added to the list) and file a copy of the list with the Secretary to the Commission.