

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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Verified Petition of Astoria Gas Turbine Power LLC and
Beacon Wind Land LLC for a Declaratory Ruling Regarding
Sale and Lease of Property, or, in the Alternative, an Approval
Pursuant to Section 70 of the Public Service Law
-----X

Case 22-E-

**VERIFIED JOINT PETITION FOR DECLARATORY RULING
OR APPROVAL UNDER SECTION 70 OF THE PUBLIC SERVICE LAW**

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Dated: September 15, 2022

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OR APPROVAL UNDER SECTION 70 OF THE PUBLIC SERVICE LAW**

I. INTRODUCTION

Pursuant to Part 8 of the Rules and Regulations of the New York State Public Service Commission (“Commission”), 16 NYCRR Part 8, Astoria Gas Turbine Power LLC (“AGTP”), the owner and operator of the soon-to-be retired 558 megawatt (“MW”) fuel oil/natural gas combustion turbine electric generating facility in Astoria, Queens, New York (the “Astoria Generating Station” or “Facility”), and Beacon Wind Land LLC (“Beacon Wind Land”), an affiliate of Beacon Wind LLC (“Beacon Wind”), which is the developer, owner and operator of the proposed 1,230 MW Beacon Wind offshore wind project (“Beacon Wind Project”) that was awarded a contract by the State for Tier 4 offshore wind renewable energy credits (“ORECs”) in 2020,¹ hereby petition the Commission for a declaratory ruling that, if granted, will help achieve the State’s goal of installing 9,000 MW of offshore wind by 2035 and the State’s policy encouraging the repurposing of downstate fossil fuel generation infrastructure to connect thousands of MWs of clean energy from offshore wind facilities to New York City’s electric grid.²

¹ See *2020 Offshore Wind Solicitation*, NYSEDA, <https://www.nyserda.ny.gov/offshore-wind-2020-solicitation>.

² See 2019 N.Y. Sess. Laws Ch. 106 (McKinney) (codified, in part, in New York Public Service Law (“PSL”) § 66-p); *New York State Research and Development Authority 2022 Offshore Wind Solicitation*, ORECRFP22-1 (July 27, 2022) (awarding points for repurposing downstate fossil fuel generation infrastructure), https://portal.nyserda.ny.gov/CORE_Solicitation_Document_Page?documentId=a018z0000000yC6&_gl=1*164guy

Specifically, AGTP and Beacon Wind Land (collectively, the “Petitioners”) request that the Commission declare that the proposed sale by AGTP of the land under the Facility, certain improvements and assets located on the land and associated contracts and permits to Beacon Wind Land (the “Transferred Assets”) and Beacon Wind Land’s limited term lease back to AGTP of the portion of the land containing the Facility, together with such Transferred Assets as are necessary for AGTP to continue to operate the Facility (the “Leased Premises”) until its retirement, requires no further review under PSL § 70 (the “Transaction”). In the alternative, the Petitioners request that the Commission approve the Transaction under PSL § 70 and any other statutory or regulatory provision deemed applicable.

No competitive issues are raised by the Transaction, nor will it cause any harm to the interests of captive utility ratepayers. The proposed Transaction will not result in the potential to exercise either vertical or horizontal market power. The Transaction is expected to facilitate the electrical interconnection of offshore wind projects developed by Beacon Wind with Consolidated Edison Company of New York, Inc.’s (“Con Edison”) Astoria substations. At this time, Beacon Wind is carefully studying the potential use of this property as the site of the converter station and point of interconnection (“POI”) substation for its Beacon Wind 1 project at issue in Commission Case 22-T-0294, but this potential use of the property remains subject to further review by Beacon Wind.

The Transaction will not convey any interest in electric generation assets. AGTP will continue to own and operate the Facility through the date of its retirement³ and until that time will have the exclusive right to dispatch the Facility into the New York Independent System

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³ AGTP will be responsible for its subsequent decommissioning and demolition.

Operator, Inc.’s (“NYISO”) competitive electricity markets, contract for the sale of capacity, energy or ancillary services and retain exclusive rights to all revenue earned by the Facility during the lease term. AGTP plans to retire the Facility on May 1, 2023 and decommission and demolish the Facility within six months thereafter. At that point the lease will terminate and AGTP will have no interest in the Leased Premises. At no time during the lease term will Beacon Wind or any of its affiliates use the Transferred Assets to generate or deliver electricity into the transmission system. Nor will Beacon Wind Land manage, operate, or control the Transferred Assets or otherwise interfere with AGTP’s operation and decommissioning of the Facility. Neither Beacon Wind nor any of its affiliates will own any generation or transmission assets in New York during the lease term.

Timely Commission approval of this Petition will facilitate the orderly and timely development of the Beacon Wind Project. Petitioners respectfully request that the Commission act on the Petition at or before its November 17, 2022, session.

II. BACKGROUND

A. The Parties

1. AGTP

AGTP is a direct, wholly-owned subsidiary of NRG Energy, Inc., (“NRG”), and is a limited liability company under the laws of the State of Delaware. AGTP is the owner and operator of the Facility and was formed as a single purpose entity for such purposes when NRG acquired the Facility from Con Edison in 1999. AGTP also owns the approximately 15.7-acre site located in Astoria, Queens County, New York where the Facility is located, which is situated within a larger, approximate 300-acre complex known as the Astoria Con Ed Complex. The 646 MW nameplate rated Facility is currently comprised of seven (7) Westinghouse simple cycle peaking units, which have been retired, and twenty-four (24) Pratt & Whitney simple cycle peaking units.

At the same time the Commission approved the transfer of the Facility in 1999, the Commission granted AGTP lightened regulatory treatment.⁴ NRG is a corporation formed under the laws of the State of Delaware and a publicly traded company on the New York Stock Exchange [NYSE:NRG].

AGTP filed notices with the Commission and the NYISO on February 22, 2022 that it intends to retire its Facility on May 1, 2023.⁵ On July 14, 2022, the NYISO issued its Short-Term Assessment of Reliability: 2022 Quarter 2, in which it concluded that the retirement of the Facility will not cause a reliability issue that would trigger a Generator Deactivation Reliability Need and that the Facility had satisfied the applicable requirements under the NYISO's Short-Term Reliability Process to retire on or after May 1, 2023.⁶

⁴ Case 96-E-0897, *Consolidated Edison Company of New York, Inc.*, Comprehensive Order Approving Transfer of Generating Facilities and Making Other Findings (June 17, 1999) (“Lightened Regulation Order”).

⁵ Case 05-E-0889, *Proceeding on Motion of the Commission to Establish Policies and Procedures Regarding Generation Unit Retirements*, Notice of Intent to Retire Astoria Gas Turbine Power LLC Turbine Units Astoria, New York, NYISO Zone J (Feb. 22, 2022). AGTP is retiring the Facility to comply with the New York State Department of Environmental Conservation’s (“DEC”) “Peaker Rule” which reduces the allowable level of nitrogen oxide emissions during the higher ozone level season for simple cycle and regenerative combustion turbines. *See* 6 NYCRR Subpart 227-3. AGTP had proposed to replace the Facility with a new, 437 MW, simple cycle dual fuel fossil fuel-fired peaking combustion turbine generator (the “Replacement Project”) and had applied to the Commission for an amendment to a certificate of public convenience and necessity that the Commission had granted to a different proposed project replacing the Facility and to the DEC for a Clean Air Act Title V air permit for the Replacement Project. *See* Case 20-E-0441, *NRG Astoria Power LLC et al.*, Joint Petition of NRG Astoria Power LLC, NRG Berrians East Development LLC and Astoria Gas Turbine Power LLC to Amend a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law, to Approve the Transfer of the Amended Certificate and Lease of Real Property Interests Pursuant to Section 70 of the Public Service Law, to Approve a Financing Pursuant to Section 69 of the Public Service Law and for a Determination of Lightened Regulation (Sept. 3, 2020) (“Joint Petition”). On October 27, 2021, DEC denied AGTP’s application for a Clean Air Act Title V air permit for the Replacement Project. *See Notice of Denial of Title V Air Permit*, DEC (Oct. 27, 2021), https://www.dec.ny.gov/docs/administration_pdf/nrgastoriadecision10272021.pdf. Pursuant to DEC’s regulations, AGTP sought an adjudicatory hearing to review the permit denial and that proceeding remains pending. *See Astoria Gas Turbine Power Replacement Project*, <https://www.dec.ny.gov/permits/123391.html>. AGTP intends to request that the adjudicatory hearing at DEC and the Joint Petition before the Commission be held in abeyance until the consummation of the Transaction, at which point AGTP will withdraw its Title V permit application from DEC and its Joint Petition from the Commission and take any other actions that are necessary to cancel and withdraw its proposed Replacement Project.

⁶ *See Short-Term Assessment of Reliability: 2022 Quarter 2*, NYISO (July 14, 2022), <https://www.nyiso.com/documents/20142/16004172/2022-Q2-STAR-Report-Final.pdf/d672bb9f-c5a6-934c-ebcf-4f9e1c3d94e0>.

2. Beacon Wind Land

Beacon Wind Land is a limited liability company under the laws of the State of Delaware and is a direct, wholly-owned subsidiary of Shared Renewable Energy Assets LLC, which is also a limited liability company under the laws of the State of Delaware. Fifty percent of the ownership interests in Shared Renewable Energy Assets LLC are held by Equinor Wind US LLC (“Equinor”) and the other fifty percent of such interests are held by BP Wind Energy North America, Inc. (“BP”). Equinor and BP together indirectly own Beacon Wind in equal proportion and are also the upstream owners of Empire Offshore Wind LLC (“Empire Wind”), the developer of the 816 MW Empire Wind 1 offshore wind generating facility connecting to Con Edison’s Gowanus Substation and the 1,365 MW Empire Wind 2 offshore wind generating facility connecting to the Barrett Substation owned by the Long Island Power Authority. None of the offshore wind generating facilities currently under development by affiliates of Equinor and BP are expected to achieve commercial operation prior to December of 2026.

As Beacon Wind Land was not formed to own or operate any facilities for the generation, transmission, furnishing or sale of electricity to consumers in New York State, it is not an electric corporation subject to regulation by the Commission under the Public Service Law. Instead, Beacon Wind Land will, following the expiration of the AGTP lease term described above, lease the property at issue in this proceeding to Beacon Wind or another affiliate on a long-term basis for use as the site for one or more converter stations and related facilities or other renewable resources to be developed by Beacon Wind or its affiliates.

B. The Transaction

The Petitioners are undertaking the Transaction so that Beacon Wind Land may take ownership of the Transferred Assets while allowing AGTP to retain the right to use those

portions of the Transferred Assets that are necessary to allow it to continue to own and operate the Facility until its planned retirement on May 1, 2023 and be responsible for its subsequent decommissioning and demolition. There will be no change in the day-to-day operations of the Facility through and until its retirement as a result of the Transaction.

Pursuant to the Petitioners' purchase and sale agreement, AGTP will sell the Transferred Assets to Beacon Wind Land, with a closing of the Transaction expected by the end of the year.

The Transferred Assets are as follows:

- the fee interests in the land underlying the Facility together with the appurtenant easements thereto (the "Transferred Land");⁷
- the following improvements located on the Transferred Land (collectively, the "Transferred Improvements" and, together with the Transferred Land, the "Transferred Real Property"): the administration building and connected utilities; the catch basin; the monitoring wells; and the existing fence.
- certain contracts;⁸ and

⁷ The land is more specifically described as Astoria Gas Turbine Parcel C, Interior Parcel, North of 20th Avenue, at Astoria in the Borough and County of Queens, City and State of New York, Tax Block 850, Lot 200.

⁸ The contracts are: (1) Post-Closing Agreement, dated as of December 13, 1974, between Con Edison (as Astoria's predecessor-in-interest as to Parcel C) and New York Power Authority ("NYPA") (f/k/a Power Authority of the State of New York) (as assigned by Con Edison to AGTP pursuant to the NYPA Assignment) (the "NYPA PCA"); (2) Astoria Zoning Lot Development Agreement, by and between Astoria Gas Turbine Power LLC and Con Edison, dated as of June 25, 1999 and recorded on July 23, 1999 in Reel 5230 Page 761 of the Office of the City Register for Queens County, New York (the "Zoning Lot Development Agreement"), which pursuant to Section 6.1 thereof, runs with the Transferred Land; (3) Astoria Declaration of Subdivision Easements, made by Con Edison, dated as of June 16, 1999 and recorded on July 23, 1999 in Reel 5320 Page 625 of the Office of the City Register for Queens County, New York, which pursuant to Section 6.06 thereof, runs with the Transferred Land; and (4) Amended and Restated Astoria Declaration of Easements, made by Con Edison, dated as of June 25, 1999 and recorded on July 23, 1999 in Reel 5320 Page 681 of the Office of the City Register for Queens County, New York, which pursuant to Section 6.07 thereof, runs with the Transferred Land (the "1999 Declaration of Easements").

- the following assets located on the Transferred Land: access gate control facilities, cameras and monitors, card access equipment, lighting fixtures (including fence lighting, sump pump, and light and power transformers).

AGTP will retain (the “Retained Assets”):

- all improvements on the Transferred Land other than the Transferred Improvements, including the Facility and all interconnection facilities;
- tax refunds and credits;
- any emissions credits and allowances, including allowances to satisfy the Regional Greenhouse Gas Initiative and the Clean Air Act;
- all insurance policies and rights to proceeds thereof relating to the Transferred Assets, properties, business or operations of Seller;
- all revenues generated from the Retained Assets, and
- certain permits, licenses and equipment that Beacon Wind Land may elect to purchase from AGTP upon the expiration or termination of the lease.

Pursuant to the lease, Beacon Wind Land will lease the Leased Premises to AGTP until October 31, 2023, six months after AGTP plans to retire the Facility, to allow adequate time for AGTP to decommission, demolish and remove the Facility.⁹ The Leased Premises are as follows:

⁹ The lease provides that AGTP may terminate the lease at any time after May 1, 2023 upon sixty (60) days’ prior notice to Beacon Wind Land if AGTP is no longer required to operate the Facility under applicable law or any governmental or regulatory authority orders or requirements and has completed the decommissioning. The lease provides that, if there is a reliability determination and any governmental or regulatory authority determines that AGTP must continue to operate the Facility beyond its proposed retirement date and AGTP enters into an agreement providing for such continued operation, the lease term will be extended for so long as AGTP is required to continue operating the Facility plus an additional six months to complete decommissioning.

- the real property consisting of the portion of the property containing the Facility with a street address of 31-01 20th Avenue, Astoria, NY 11105, together with all of the appurtenances¹⁰ thereto and easements¹¹ benefitting such property which are transferred by AGTP to Beacon Wind Land which relate to AGTP's right of use, possession, and quiet enjoyment of such property;
- the following assets located on the Transferred Land: the administration building, cameras/monitors, lighting and connected utilities, including light and power transformers, the catch basins, sump pump, monitoring wells, and the existing fence surrounding the Leased Premises; and
- the fixtures, machinery, equipment and other tangible personal property including, the city water supply, and stormwater discharge.

The lease provides that AGTP shall occupy the Leased Premises to operate the Facility throughout the lease term without any hindrance, ejection, or molestation by Beacon Wind Land. Beacon Wind Land or its agents may enter the Leased Premises at such reasonable times as Beacon Wind Land may select and upon advance notice to AGTP, subject to AGTP's prior approval and without interfering with AGTP's business or use of the Leased Premises in connection with: (i) facilitating an orderly transfer of the Leased Premises to Beacon Wind Land

¹⁰ Appurtenances are: all tenements, hereditaments, appurtenances, easements, rights-of-way, rights, licenses, occupancy rights, privileges and/or other real property interests (now or hereafter) held by Beacon Wind Land (or any of its affiliates) appertaining and/or belonging to, or benefitting the Land (as applicable), including (a) all beneficial easements on, over, under or through other third party-held lands (whether within or outside of the Facility of which the Land is a part) granted to Beacon Wind Land (or its predecessor(s)-in-title) by any easement agreement, and (b) any sidewalks, driveways, access roads, curbs, streets, ways, alleys, vaults, gores or strips of land adjoining the Land.

¹¹ Easements are any real property agreements to which Beacon Wind Land (or any of its affiliates (and any of their respective predecessors) is a party, as named grantee, licensee, or lessee thereunder) pursuant to which Beacon Wind Land (or any of its affiliates or any of their respective predecessors) holds any real property (or interests therein) which constitutes any portion(s) of the Leased Premises or benefits the Leased Premises.

upon termination of the lease, (ii) potential redevelopment of the Leased Premises following termination of the lease, (iii) geotechnical studies, borings, surveys, site preparation and similar work in connection with potential redevelopment of the Leased Premises, or (iv) installing equipment, prior to termination of the lease, in compliance with applicable laws.

The lease further provides that during the lease term, AGTP or one of its affiliates shall be the sole and exclusive “Market Participant” registered with the NYISO on behalf of the Facility and shall have the sole and exclusive right to engage in NYISO bidding, scheduling and accounting services and related costs. AGTP shall retain exclusively all rights to any and all revenue, whether for capacity, energy or ancillary services and whether received and/or accrued from NYISO or third parties related to the Facility. Prior to the commencement of the period established for the decommissioning of the Facility, AGTP shall have the sole and exclusive right to dispatch the Facility and/or contract for the sale of capacity, energy, or ancillary services either through its own actions or through the engagement of an energy manager.

III. THE COMMISSION SHOULD DECLARE THAT THE TRANSACTION DOES NOT REQUIRE FURTHER REVIEW UNDER PSL § 70 OR, IN THE ALTERNATIVE, APPROVE IT UNDER PSL § 70.

Pursuant to PSL § 70, the Commission’s written consent is required before an electric corporation may transfer or lease its franchise, works or system or any part of such franchise, works or system. However, the Commission has adapted its scrutiny of transfers and leases involving wholesale generators that are subject to a lightened regulatory regime and ruled that no further review of such transactions under PSL § 70 is required when it has determined that the

transactions would not provide the petitioners with the ability to exercise horizontal or vertical market power or to harm the interests of captive New York ratepayers.¹²

As discussed more fully above, the Transaction involves the sale of land and certain assets to Beacon Wind Land and the short-term lease of the portion of such land and assets that is necessary for AGTP to continue operating the Facility until it is retired and decommissioned. The Transaction will help Beacon Wind in its efforts to assist the State in achieving its goal of installing 9,000 MW of offshore wind by 2035 and the State's policy encouraging the repurposing of downstate fossil fuel generation infrastructure to connect offshore wind facilities to New York City's electric grid. Petitioners request that the Commission follow its precedent and issue a ruling declaring that the Commission need not further review the Transaction described herein under PSL § 70.

The Transaction does not create the potential for the exercise of horizontal or vertical market power. The Transaction does not involve the transfer of any ownership interest in electric generation or transmission assets. AGTP will continue to own and operate the Facility and have the exclusive right to dispatch the Facility into the competitive electricity markets. Beacon Wind Land's ownership of the Transferred Assets will not interfere with the operation and decommissioning of the Facility. Even if Beacon Wind Land's ownership of the Land Assets could somehow influence the operation of the Facility, which it cannot, Beacon Wind Land cannot benefit because at no time during the lease term will Beacon Wind Land or any of its affiliates own any operating generation or transmission assets in New York, except in the

¹² Case 91-E-0350, *Wallkill Generating Company, L.P.*, Order Establishing Regulatory Regime (Apr. 11, 1994) ("Wallkill Order"); *see also* Case 22-E-0130, *National Grid and South Fork Wind, LLC*, Declaratory Ruling on Lease Transaction (May 17, 2022); Case 17-M-0422, *National Grid Generation LLC*, Declaratory Ruling on Lease Transaction (Sept. 19, 2017).

circumstance that AGTP is required to continue to operate the Facility for several years beyond its proposed retirement date as described in footnote 9 herein.

Nor will the Transaction result in any adverse impacts to captive ratepayers in New York. AGTP does not make power sales at cost-based rates or provide third party electric transmission service. AGTP's sales of electric power from the Facility are exclusively at wholesale at market-based rates pursuant to its Federal Energy Regulatory Commission-approved market-based rate tariff. That will continue to be the case following the consummation of the Transaction, and there will be no change in the status of the Facility as a result of the Transaction. In addition, none of Beacon Wind Land nor its affiliates makes power sales or provides third-party electric transmission service. Thus, the Transaction provides no opportunity for the pass-through of Transaction-related costs to captive wholesale or transmission customers and will not have any adverse effect on wholesale rates.

Accordingly, in light of AGTP's status as a lightly regulated entity, and consistent with Commission precedent, the Commission may decline to review the Transaction under PSL § 70 because the Transaction will not provide Petitioners with the ability to exercise horizontal or vertical market power or to harm the interests of captive New York ratepayers. Alternatively, if the Commission decides to review the Transaction pursuant to PSL § 70, the Commission should approve the Transaction as in the public interest for the reasons discussed above.

IV. CONCLUSION

WHEREFORE, Petitioners respectfully request that the Commission issue a declaratory ruling that no further review of the Transaction is required under PSL § 70 or authorize the Transaction under PSL § 70, without condition, as in the public interest. Petitioners respectfully request that the Commission act on the Petition at or before its November 17, 2022 session.

Dated: September 15, 2022

Respectfully submitted,

David B. Johnson

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Case 22-E-____

VERIFICATION

I, Teddy Muhlfelder, as Vice President, of Beacon Wind Land LLC, do hereby affirm that the contents of this document are true to the best of my knowledge and belief.

Signed: 
Date: September 13, 2022

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

On this 13th day of September, 2022, before me, the undersigned notary public, personally appeared Teddy Muhlfelder, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)/(she) signed it voluntarily for its stated purpose.



Notary Public

My commission expires: 9/30/2024



LUISA FONSECA
NOTARY PUBLIC
State of Connecticut
My Commission Expires
September 30, 2024

DEBORAH R. FRY
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 23, 2026

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Astoria Gas Turbine Power LLC			
Name of Action or Project:			
Approval under Section 70 of the Public Service Law of appx 15.7 acres of land to Beacon Wind Land LLC from Astoria Gas Turbine Power LLC			
Project Location (describe, and attach a location map):			
Astoria, New York			
Brief Description of Proposed Action:			
Astoria Gas Turbine Power LLC ("AGTP") and Beacon Wind LLC ("BWL") seek approval under section 70 of the Public Service Law for BWL to purchase approximately 15.7 acres of land and related facilities from AGTP and to lease approximately 6.5 of those acres and certain related facilities back to AGTP for a limited time so that AGTP may continue to operate its generating facilities at that location until their retirement. Upon their retirement, AGTP will remove those generating facilities so that BWL may use the land and certain facilities for other purposes.			
Name of Applicant or Sponsor:		Telephone: 609.703.3521	
Astoria Gas Turbine Power LLC		E-Mail: brian.curci@nrg.com	
Address:			
804 Carnegie Center			
City/PO:		State:	Zip Code:
Princeton		New Jersey	08540
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Approval of the New York Public Service Commission under section 70 of the Public Service Law or waiver of that requirement			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 15.7 acres			
b. Total acreage to be physically disturbed? _____ N/A acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 15.7 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Not applicable _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Not applicable _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Not applicable _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Beacon Wind Land LLC ("Beacon")				
Name of Action or Project: Approval under section 70 of the Public Service Law of sale of approximately 15.7 acres of land to Beacon Wind Land LLC.				
Project Location (describe, and attach a location map): Astoria, Queens, New York				
Brief Description of Proposed Action: Astoria Gas Turbine Power ("ATGP") and Beacon Wind Land LLC seek approval under section 70 of the Public Service Law for BWL to purchase approximately 15.7 acres of land and related facilities from AGTP and to lease approximately 6.5 of those acres and certain related facilities back to AGTP for a limited period, so that AGTP may continue to operate its generating facilities at that location until their impending retirement. Upon their retirement, AGTP will remove those generating facilities so that BWL may use the land and certain facilities for other purposes.				
Name of Applicant or Sponsor: Beacon Wind Land LLC		Telephone: (203) 321-6211 E-Mail: jnis@equinor.com		
Address: 600 Washington Boulevard				
City/PO: Stamford		State: CT	Zip Code: 06901	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Approval of the New York State Public Service Commission under section 70 of the Public Service Law or waiver of that requirement.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		15.7 acres		
b. Total acreage to be physically disturbed?		Zero acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		15.7 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Not Applicable			
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: Not Applicable			
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: Not Applicable			
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AGTP is party to an Order on Consent (R2-20000906-180) with NYSDEC for the remediation of the site,		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Teddy Muhlfelder</u> Date: <u>9/14/2022</u> Signature: <u></u> Title: <u>Vice President</u>		