

NEW YORK STATE BOARD ON ELECTRIC  
GENERATION SITING AND THE ENVIRONMENT

CASE 16-F-0559 - Application of Bluestone Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Bluestone Wind Farm Project Located in the Towns of Windsor and Sanford, Broome County.

RULING ALLOWING RESPONSES TO REQUEST FOR PARTY STATUS

(Issued March 28, 2019)

SEAN MULLANY AND DANIEL P. O'CONNELL, Examiners:

INTRODUCTION

This ruling allows parties until the close of business, Monday, April 1, 2019, to file and serve responses to the request for party status that has been filed by Broome County Concerned Residents (BCCR).

BACKGROUND

On February 22, 2019, Anne M. Lawrence was granted provisional party status on an individual basis in this proceeding. At that time, a notice of Ms. Lawrence's party status request was sent to all parties by automatic operation of the Department of Public Service's Document and Matter Management (DMM) System. Thereafter, the Company on February 25, 2019, sought clarification about whether Ms. Lawrence met the residency requirement for party status under Public Service Law Article 10. In response, Ms. Lawrence sent a letter dated February 27, 2019, to the Examiners which included a copy of her driver's license, a school bill, and a telephone bill, each bearing Ms. Lawrence's home address. At that time, Ms. Lawrence sent a copy of her letter (without the underlying

personal information) to the Secretary and to all parties. In the letter, she explained that she sent documents containing sensitive personal information only to the Examiners. No party objected to this.

In her letter, Ms. Lawrence stated her intention to appear in this proceeding on behalf of BCCR, a coalition of persons living within the area that will be affected by the Bluestone project. Ms. Lawrence described how she had asked the Records Access Officer at the Department of Public Service to modify her earlier party status request by changing her party status to "organization" rather than "individual." She stated her intention to represent BCCR as a party in this case. Thereafter, on March 12, 2019, Ms. Lawrence's previously docketed individual party status request was updated to reflect the fact that Ms. Lawrence requested party status on behalf of, and as a representative of, BCCR.

We understand that, because BCCR's party status request was filed as an "update" to Ms. Lawrence's individual party status request, the DMM system did not automatically send a notice to all parties on March 12 that BCCR had requested party status. We also understand that there may be some confusion among the existing parties as to whether BCCR has actually been granted party status.

#### DISCUSSION

In this case, Ms. Lawrence communicated her party status request to the Records Access Officer, originally sought individual party status, and subsequently asked that her earlier request be modified to be a party status request made on behalf of BCCR. These procedural irregularities led to confusion and delay in the filing of Ms. Lawrence's request for individual party status, as well as the filing of the party status request

of BCCR. It also led to a notice deficiency because BCCR's party status request was docketed as a modification to her earlier individual party status request. Under such circumstances, the DMM system did not automatically generate a notice to all parties of the filing of BCCR's request for party status.

Because of the irregular manner in which BCCR's party status request was communicated, and because the DMM system did not generate a notice to all parties at the time that BCCR's party status request was docketed, all parties may not have been made aware that BCCR itself had requested party status. Under these peculiar circumstances, and to ensure procedural fairness, it is appropriate to allow all parties a limited opportunity at this time to respond to BCCR's request for party status.

Accordingly, all parties will be given an opportunity to respond to the request for party status that has been filed by BCCR. All responses must be filed with the Examiners and the Secretary, and at the same time served on all parties, by no later than the close of business, Monday, April 1, 2019.

(SIGNED)

SEAN MULLANY

(SIGNED)

DANIEL P. O'CONNELL