

# Young / Sommer LLC

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September 29, 2017

## **VIA REGULAR MAIL and ELECTRONIC FILING**

Hon. Kathleen H. Burgess  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3  
Albany, NY 12223

***Re: Case No. 16-F-0559: Application of Bluestone Wind LLC for a Certificate of Environmental Compatibility and Public Need to Construct up to a 125-Megawatt Wind-Powered Electric Generating Facility in the Towns of Sanford and Windsor, Broome County, New York***

Dear Secretary Burgess:

Bluestone Wind LLC ("Bluestone Wind"), is proposing to construct a major electric generating facility in the Towns of Sanford and Windsor, Broome County, New York ("Bluestone Wind Farm" or the "Facility"). To construct and operate the Facility, Bluestone Wind is seeking a Certificate of Environmental Compatibility and Public Need ("Certificate") from the New York State Board on Electric Generation Siting and the Environment ("Siting Board") pursuant to Article 10 of the Public Service Law ("PSL").

Bluestone Wind filed its Preliminary Scoping Statement ("PSS") on August 18, 2017. The deadline for party comments on the PSS was September 8, 2017, and the deadline for Bluestone Wind's corresponding PSS Comment Response is September 29, 2017.

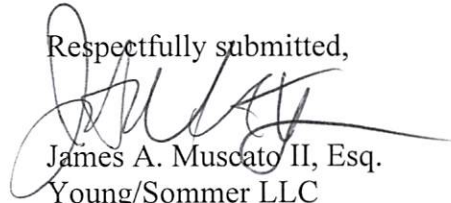
By this filing, in accordance with 16 NYCRR § 1000.5(g) Bluestone Wind submits its Response to PSS Comments. This response will be served on the individuals listed in 16 NYCRR 1000.5(c), in the same manner prescribed for service of the PSS (*see Attachment I*). In

addition, Bluestone Wind has provided the PSS Comment Response electronically by email to the active party list identified today on DMM (*see Attachment 2*).

Bluestone Wind looks forward to working with the interested parties and stakeholders during the pre-application phase of this process on the scope and content of the Application.

Please do not hesitate to call me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Muscato II", is written over the typed name.

James A. Muscato II, Esq.

Young/Sommer LLC

Attorneys for Bluestone Wind LLC

cc: Service List  
Party List (via email)

Attachment 1: Service List

Attachment 2: DMM Print-Out

## Attachment 1

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Bluestone Wind, LLC, for a  
Certificate of Environmental Compatibility  
and Public Need Pursuant to Article 10 to  
Construct an Approximately  
124 Megawatt Wind Electric Generating  
Facility

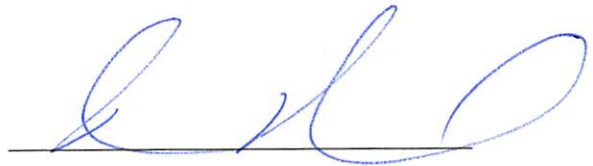
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CASE NO. 16-F-0559

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
COUNTY OF Oneida                    ) ss:

BEN BRAZELL, being duly sworn, deposes and says that on the 29<sup>TH</sup>  
day of September 2017, she/he served a copy of Bluestone Wind, LLC's response to comments on  
the Preliminary Scoping Statement associated with a proposed approximately 124 megawatt (MW)  
Wind Electric Generating Facility the Towns of Windsor and Sanford, New York, by mailing a  
true hard copy and/or digital copy, or copies, thereof via UPS Ground, upon the recipients  
identified in the attached list.



Sworn to me before  
this 29<sup>th</sup> day of September 2017

Mary E. Vanelli  
Notary Public

**MARY E. VANELLI**  
Notary Public - State of New York  
No. 01VA6197320  
Qualified in Madison County  
My Commission Expires November 24, 2020

### SERVICE LIST

Case 16-F-0559 - Application of Bluestone Winds LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 125 MW Wind Energy Project in the Towns of Sanford and Windsor, Broome County, New York

<b>Secretary to the Commission</b> <b>Hon. Kathleen H. Burgess</b> <b>Secretary to the Commission</b> <b>New York State Public Service Commission</b> <b>Empire State Plaza</b> <b>Agency Building 3</b> <b>Albany, NY 12223-1350</b> <b>Email: <a href="mailto:secretary@dps.ny.gov">secretary@dps.ny.gov</a></b> <b>(10 Paper Copies)</b>	<b>Howard Zemsky, Commissioner</b> <b>New York State Department of Economic Development</b> <b>625 Broadway</b> <b>Albany, NY 12245</b> <b>(1 Paper Copy)</b>
<b>Basil Seggos, Acting Commissioner</b> <b>NYS Department of Environmental Conservation</b> <b>625 Broadway</b> <b>Albany, NY 12233</b> <b>(4 Paper Copies)</b>	<b>Dewey A. Decker, Supervisor</b> <b>Town of Sanford</b> <b>91 Second Street</b> <b>Deposit, NY 13754</b> <b>(1 Paper Copy)</b>
<b>Matt Marko, Regional Director</b> <b>NYS Department of Environmental Conservation</b> <b>Region 7</b> <b>615 Erie Blvd.</b> <b>West Syracuse, NY 13204-240</b> <b>(3 Paper Copies)</b>	<b>Carolyn Price, Supervisor</b> <b>Town of Windsor</b> <b>68 White Birch Lake Road</b> <b>Windsor, NY 13865</b> <b>(1 Paper Copy)</b>
<b>Howard A. Zucker, Commissioner</b> <b>NYS Department of Health</b> <b>ATTN: Richard Thomas</b> <b>Corning Tower</b> <b>Empire State Plaza</b> <b>Albany, NY 12237</b> <b>(2 Paper Copies)</b>	<b>Debra A. Preston, County Manager</b> <b>Broome County</b> <b>60 Hawley Street</b> <b>Binghamton, NY 13902</b> <b>(1 Paper Copy)</b>
<b>NYSERDA</b> <b>Richard Kauffman, Chairman</b> <b>ATTN: Kelly Tyler, Director of Communities and Local Government</b> <b>17 Columbia Circle</b> <b>Albany, NY 12203</b> <b>(2 Paper Copies)</b>	<b>NYS Department of Agriculture and Markets</b> <b>ATTN: Tara Wells</b> <b>10B Airline Drive</b> <b>Albany, NY 12235</b>  <b>NYS Department of Agriculture and Markets</b> <b>ATTN: Matt Brower</b> <b>10B Airline Drive</b> <b>Albany, NY 12235</b> <b>(2 Paper Copies – 1 to each address)</b>
<b>Howard Zemsky, Commissioner</b> <b>NYS Department of Economic Development</b> <b>625 Broadway</b> <b>Albany, NY 12245</b> <b>(2 Paper Copies)</b>	<b>NYS Department of State</b> <b>ATTN: Eric Hogan</b> <b>Director, Utility Intervention Unit</b> <b>99 Washington Avenue</b> <b>Suite 640</b> <b>Albany, NY 12231</b> <b>(1 Paper Copy)</b>

### SERVICE LIST

Case 16-F-0559 - Application of Bluestone Winds LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 125 MW Wind Energy Project in the Towns of Sanford and Windsor, Broome County, New York

<b>Eric T. Schneiderman Office of the Attorney General The Capitol Albany, NY 12224-0341</b>
<b>(1 Paper Copy)</b>
<b>Matthew Driscoll, Commissioner NYS Department of Transportation 50 Wolf Road Albany, NY 12232</b>
<b>(1 Paper Copy)</b>
<b>Rose Harvey, Commissioner NYS Office of Parks, Recreation, and Historic Preservation 625 Broadway Albany, NY 12207</b>
<b>NYS Office of Parks, Recreation, and Historic Preservation ATTN: John Bonafide Director, Technical Preservation Services Bureau Division for Historic Preservation Peebles Island State Park 1 Delaware Avenue North Cohoes, NY 12047</b>
<b>(2 Paper Copies – 1 to each address)</b>
<b>Windsor Library 107 Main St. Windsor, NY 13865</b>
<b>(1 Paper Copy)</b>
<b>Deposit Free Library 159 Front St. Deposit, NY 13754</b>
<b>(1 Paper Copy)</b>
<b>New York State Department of Public Service James Denn, Public Information Coordinator 3 Empire State Plaza Albany, NY 12223</b>
<b>(1 Electronic Copy)</b>

## Attachment 2

# New York State Department of Public Service

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## - Matter Master: 16-01988/16-F-0559

<b>Matter Number:</b>	16-01988	<b>Case Number:</b>	16-F-0559
<b>Industry Affected:</b>	Facility Gen.	<b>Company/Organization:</b>	Bluestone Wind, LLC
<b>Matter Type:</b>	Petition	<b>Matter Subtype:</b>	Certificate of Environmental Compatibility and Public Need
<b>Title of Matter/Case:</b>	Application of Bluestone Wind, LLC for a Certificate of Environmental Compatibility and Public Need <a href="#">Expand</a>		
	<b>Related Matter/Case No:</b>		

 Filed Documents (63)	 Public Comments (1)	 Party List (12)	 Calendar (1)
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Sr.No.	<u>Name of Person/Title</u> <u>/Company</u> »	Representing Company	Mailing Address	Email/Phone/Fax	<u>Consent to</u> <u>Party to</u> <u>Party</u> <u>Electronic</u> <u>Service</u> »
1	Begeal, Brady Attorney Coughlin & Gerhart, LLC	Town of Sanford	PO Box 2039 Binghamton, NY 13902	<a href="mailto:bbegeal@cglawoffices.com">bbegeal@cglawoffices.com</a> Ph: 607-723-9511	Yes
2	Binder, Jonathan Associate Attorney New York State Department of Environmental Conservation	New York State Department of Environmental Conservation	625 Broadway - 14th Floor Albany, NY 12233	<a href="mailto:Jonathan.Binder@dec.ny.gov">Jonathan.Binder@dec.ny.gov</a> Ph: (518) 402-9188 Fax: (518) 402-9018	Yes
3	Bomyea, Laura Attorney Young Sommer LLC	Young Sommer LLC	5 Palisades Drive, Suite 300 Albany, NY 12205	<a href="mailto:lbomyea@youngsommer.com">lbomyea@youngsommer.com</a> Ph: 518-438-9907 Fax: 518-438-9914	Yes
4	Brower, Matthew Associate Environmental Analyst New York State Department of Agriculture and Markets	New York State Department of Agriculture and Markets	10B Airline Drive Albany, NY 12235	<a href="mailto:matthew.brower@agriculture.ny.gov">matthew.brower@agriculture.ny.gov</a> Ph: (518) 457-2851 Fax: (518) 457-3412	Yes
5	Jarvis, Alec Calpine Corporation	Calpine Corporation	34 Ash Swamp Scarborough, ME 04074	<a href="mailto:alec.jarvis@calpine.com">alec.jarvis@calpine.com</a> Ph: 207-956-1169	Yes
6	Mason, Andrew Co-President Delaware-Otsego Audubon Soc.	Delaware-Otsego Audubon Soc., Inc.	1039 Peck St. Jefferson, NY 12093	<a href="mailto:andymason@earthling.net">andymason@earthling.net</a> Ph: 607-652-2162	Yes
7	Muscato, James Partner Young/Sommer LLC	Young Sommer LLC	5 Palisades Drive, Suite 300 Albany, NY 12205	<a href="mailto:jmuscato@youngsommer.com">jmuscato@youngsommer.com</a> Ph: 518-438-9907	Yes
8	Price, Carolyn Town Supervisor Town of Windsor		68 White Birch Lake Road Windsor, NY 13865	<a href="mailto:windsorsupervisor@echoes.net">windsorsupervisor@echoes.net</a> Ph: 607-655-2026 Fax: 607-655-2027	Yes
9	Sacco, Cheryl Attorney Coughlin & Gerhart, LLP	Town of Windsor	PO Box 2039 Binghamton, NY 13902-2039	<a href="mailto:CSacco@cglawoffices.com">CSacco@cglawoffices.com</a> Ph: 607-723-9511	Yes
10	Thomas, Richard Assistant Counsel NYS Department of Health	New York State Department of Health	Corning Tower, Empire State Plaza Albany, NY 12237	<a href="mailto:richard.thomas1@health.ny.gov">richard.thomas1@health.ny.gov</a>	Yes



11	Wells, Tara Senior Attorney NYS Dept. of Agriculture & Markets	New York State Department of Agriculture and Markets	10B Airline Drive Albany, NY 12235	<a href="mailto:Tara.Wells@agriculture.ny.gov">Tara.Wells@agriculture.ny.gov</a> Ph: 518-487-6084	Yes
12	Whitlock, William Executive Vice President, Eastern Region Marble River, LLC	Bluestone Wind, LLC	174 State Route 189 Churubusco, NY 12923	<a href="mailto:wwhitlock@calpine.com">wwhitlock@calpine.com</a> Ph: 518-497-0033	No

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