

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on January 20, 2022

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard
David J. Valesky
John B. Maggiore, abstaining

CASE 20-T-0549 - Application of New York Transco LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the New York State Public Service Law to Construct, Operate, and Maintain a New, Single-Circuit 12-mile Overhead 115 kV Electric Transmission Line and Related Facilities in the Towns of New Windsor, Hamptonburgh, Blooming Grove, and Chester in Orange County.

ORDER APPROVING PHASE I ENVIRONMENTAL MANAGEMENT
AND CONSTRUCTION PLAN SUBJECT TO CONDITIONS

(Issued and Effective January 24, 2022)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On September 9, 2021, the Public Service Commission (Commission) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to New York Transco LLC (Certificate Holder).¹ The Certificate authorizes the construction, operation, and maintenance of the Rock Tavern to

¹ Case 20-T-0549, Order Granting Certificate of Environmental Compatibility and Public Need (issued September 9, 2021).

Sugarloaf Project (RTS or RTS Project); a new single circuit 12-mile overhead 115 kV electric transmission line between the Rock Tavern Substation in New Windsor, and the Sugarloaf Substation in Chester, both in Orange County, pursuant to the requirements of Article VII of the Public Service Law (PSL).

The RTS Project as proposed and subsequently authorized by the Commission is expected to be grouped into two or more Environmental Management & Construction Plan (EM&CP) filings. The first Phase pertains solely to the tree clearing proposed to accommodate expansion of the Sugarloaf Substation. This filing will be known as the "Phase I EM&CP." All other construction to occur along the remainder of the right-of-way (ROW) will be covered in subsequent EM&CP filing(s). This Order is only for the work described in the first filing, the Phase I EM&CP. The Phase I EM&CP consists of only the first construction sequence described above: tree clearing, removal, and disposal of woody vegetation as part of site preparation for the rebuilding of the Sugarloaf Substation.

The Certificate Conditions contain several requirements for compliance, including a requirement that the Certificate Holder submit for public review and Commission approval plans detailing the Facility design, construction, and environmental controls.²

The Certificate Holder submitted its proposed Phase I EM&CP filing for approval on October 19, 2021. Public Notice of the EM&CP filings for review and comment was served on each party on the Service List and on landowners and/or residents of property crossed by or abutting the RTS Project ROW and made available at the public repositories listed on the Service List, in accordance with Certificate Conditions 32 and 34. As further

² Id., Certificate Conditions 24-37.

required by Certificate Condition 34, the Certificate Holder published notice in two local newspapers of general circulation. In accordance with Certificate Condition 36, on October 25, 2021, the Certificate Holder filed affidavits of service and affidavits of publication.

The 30-day comment period, required by Certificate Condition 35(g), ended on November 18, 2021. No public comments were received pertaining to the Phase I EM&CP filing. The Department of Environmental Conservation (NYSDEC) submitted comments on November 11, 2021. These comments were subsequently addressed by the Certificate Holder on December 15, 2021. Informal comments were provided by Staff of the Department of Public Service (DPS Staff) during the drafting phase of the EM&CP prior to filing which were addressed by the Certificate Holder. No further comments from community members, the various Parties, or affected municipalities have been received at this time.

This Order approves the Phase I EM&CP filing so that the Certificate Holder may begin tree clearing at the Sugarloaf Substation pursuant to the Certificate.

THE EM&CP, COMMENTS AND RESPONSES

As filed on October 19, 2021, the Certificate Holder's Phase I EM&CP provides both typical and site-specific techniques, procedures, and requirements to be followed in development of the RTS Project by the Certificate Holder to ensure environmental protection. The Phase I EM&CP identifies and defines the scope of work involved under Phase I; construction access; protective measures for streams, wetlands, threatened and endangered species, agricultural lands, cultural resources, scenic resources, and recreational areas; and the Certificate Holder's organizational framework to ensure

implementation of the EM&CP. The standards for the EM&CP are described in the Joint Proposal and its appendices.

DPS

DPS Staff facilitated correspondence with the Certificate Holder during development of the Phase I EM&CP. Staff contributed revisions for compatibility with the Certificate Conditions, with regards to wood chip storage and disposal, staking of clearing limits, and the use of straw bales. The Commission is advised that the Certificate Holder adequately addressed all DPS Staff's comments in its October 19, 2021 EM&CP filing.

NYSDEC

NYSDEC Staff reviewed the Phase I EM&CP and provided comments and revisions to the Invasive Species Management Plan (ISMP), attached as Appendix C of the Phase I EM&CP. The Commission is advised that the Certificate Holder adequately addressed all NYSDEC Staff comments and incorporated all revisions in its supplemental December 15, 2021 revised ISMP filing.

DISCUSSION AND CONCLUSION

As noted above, DPS Staff and NYSDEC Staff raised various concerns and suggestions regarding the details of the proposed Phase I EM&CP. The Certificate Holder incorporated DPS Staff feedback prior to its October 19, 2021 EM&CP filing and submitted a revised ISMP containing revisions addressing NYSDEC Staff comments on December 15, 2021. DPS Staff advised the Commission that in order for the Certificate Holder to meet its construction schedule, the Certificate Holder requested approval of its Phase I EM&CP filing as soon as possible to meet the New

York Independent System Operator requirement that the Project be operational by the end of 2023.

Upon review, the Commission finds that the Certificate Holder has adequately addressed the concerns raised by DPS and NYSDEC Staff and no other Party has provided comments. Based on a review of all the documents submitted, responses received, and supplemental filings made by the Certificate Holder, the revised Phase I EM&CP for the Project is approved.

The Commission orders:

1. The Environmental Management and Construction Plan submitted by New York Transco LLC on October 19, 2021, and revised on December 15, 2021, is approved subject to the following condition.

2. The Certificate Holder shall not commence construction until it has received a "Notice to Proceed with Construction" letter sent by the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water or by a designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary