

Process of Siting Transmission Facilities in New York

Raj Addepalli

June 2-5, 2008

Zagreb, Croatia

Topics

- Applicable Laws
- Applicable Regulations
- PSC process for siting
- Bulk Power Interconnection Requirements
- Federal National Corridors

Applicable Laws/Regulations

- Transmission siting is governed by NYS Public Service Law, Article 7, Sections 120-130. The following are the titles of various sections.
 - 120 - Definitions.
 - 121 - Certificate of environmental compatibility and public need.
 - 121-A - Procedures with respect to certain fuel gas transmission lines.
 - 122 - Application for a certificate.
 - 123 - Hearing on application for certificate.
 - 124 - Parties to certification proceedings.
 - 125 - Conduct of the hearing.
 - 126 - The decision.
 - 127 - Opinion to be issued with decision.
 - 128 - Judicial review.
 - 129 - Jurisdiction of courts.
 - 130 - Powers of municipalities and state agencies
- Applicable NY Regulations
 - 16 NYCRR Parts 85-88
 - Part 85: General Procedures
 - 86: General Exhibits
 - 87: Exhibits for Gas Transmission
 - 88: Exhibits for Electric Transmission Filings

Applicability

- The law requires that an applicant must apply for Certificate of Environmental Compatibility and Public Need (CPCN) and meet the Article 7 requirements before constructing any such facility.
- Major electric transmission facilities – lines with a design capacity of 100kV or more extending for at least 10 miles, or 125kV and over, extending a distance of one mile or more. The law excludes underground transmission lines in a city with a population in excess of 125,000.

Filing Requirements

- Application should contain information such as:
 - The location of the site or right-of-way
 - Description of the transmission facility
 - Environmental impact of the project
 - Need for the facility
 - Alternate locations and merits/drawbacks
- Filing should also be served on various other government entities

Commission Siting Process

- Opportunity for public input
 - Public Statement hearings
- Formal PSC Hearing process
 - Formal parties to the certification proceeding include
 - The applicant
 - DPS staff
 - Various other government agencies
 - Municipalities
 - Individual residents
 - Other interest groups
- Important criteria for Commission decision making
 - Need
 - Environmental Impact
 - Public Interest
- Right to appeal Commission decision in the courts

Major Transmission Facility Siting in New York State

Article VII Process Flow Chart

PRE-APPLICATION PHASE

Applicant may meet and consult with various state agencies to introduce a project and gather information on certification requirements.

Applicant may publicly announce its project and launch a public involvement program.

APPLICATION PHASE

The applicant publishes newspaper notice of its intent to file an Article VII application at least once a week for the two weeks prior to the filing in all areas through which the facility would pass.

Applicant files the Article VII application with the PSC and serves copies on officials of local municipalities and on the area's State legislators. The public can file for party status and take an active role in the evidentiary process.

PSC/DPS may hold public meeting(s) to explain the Article VII Process and encourage public involvement.

HEARING AND DECISION PHASE

Once the application is deemed to be complete, the assigned Administrative Law Judge will set dates for:

- a Pre-hearing Conference to determine the issues, if any, and to set the schedule for the evidentiary hearings and
- a Public Statement Hearing to receive public comments.

Active parties participate in Evidentiary Hearings before hearing examiners.

Initial Briefs to the Administrative Law Judge.

Reply Briefs to the Administrative Law Judge.

The examiner makes a recommended decision based on the record of the hearings.

Initial Briefs on Exceptions may be filed.

Reply Briefs on Exceptions may be filed.

PSC makes the final decision as to Certificate.

POST - CERTIFICATION PHASE

If a Certificate is issued, the applicant submits environmental management and construction and other post-certification filings.

Final right-of-way acquisitions completed. The construction phase begins.

NYISO - Bulk Power System Interconnection Studies

- Two major studies performed under the umbrella of the NYISO:
 - System Reliability Impact Study (SRIS)
 - Class Year Study - Cost allocation for class year studies

System Reliability Impact Study (SRIS)

- Perform studies to safely, reliably integrate the project in the transmission system
- Study scope jointly established by the developer, the NYISO and the impacted utilities
- Study base cases include all the projects ahead of the project to be studied in the queue
- Completed study reviewed by the NYISO and the impacted utilities.
- Study is then reviewed with the other NYISO stakeholders
- Once the study is approved by the utilities and stakeholders, the project developer can move to the class year study

Class Year Study

- All projects that have achieved SRIS approval and siting certificates are eligible to enter the class year study for overall system impacts
- The study determines required upgrades attributable to the new projects
- Costs to implement system upgrades are allocated based upon the impact the project has on the system.
- Project developers can decline costs and skip (once) to a future year
- Second decline of costs would force the developer to restart in the SRIS/queue process from scratch

National Corridors

- Under Energy Policy Act 2005, certain corridors in the country have been designated as National Interest Electric Transmission Corridors (NIETC) by the Department of Energy, based on various criteria including congestion, national security etc.
- Transmission lines in these corridors would have FERC/DOE as the backstop siting authority under certain conditions.
- There are law suits on the authority of feds as a backstop decision maker. No proposals have yet gone through the NIETC process.