

Certification Process For Major Electric and Gas Transmission Facilities



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Q. What is a Major Transmission Facility?

- Electric lines 125 kV or more extending 1 mile or greater, or between 100 kV and 125 kV extending 10 miles or greater
- Gas lines 125 psi or more extending at least 1000 ft

Q. Why Is New York's Process Unique?

- Provides a “one-stop” siting/permitting process for State
- Allows override of local laws that are overly restrictive

Pre-Application Process

- Consultation with Department of Public Service Staff
- Consultations with various state and local governmental entities (ex. Department of Transportation, Historic Preservation, Environmental Conservation)
- Public outreach and education

Application Requirements

- New York State Public Service Law Sections 120-130 and 16 NYCRR Parts 85-88
- Must include the location and a description of the line, environmental impacts, need, reasonable alternatives, reasons why proposed location is best suited, other relevant/required information
- Required service on municipalities, state agencies, elected officials

Review of Applications

- Preliminary Conference
- Public Statement Hearing/Other Public Input
- Discovery
- Settlement/Evidentiary Hearings
- Initial and Reply Briefs
- Recommended Decision
- Briefs on Exceptions/Replies
- Commission Decision

Commission Determination

- Required Findings: need, environmental impacts, minimizes impacts, complies with state and local laws unless “unreasonably restrictive,” and serves the public interest
- Certificate of Environmental Compatibility and Public Need (Certificate)
- Certificate subject to Rehearing and Judicial Review

Post-Certification Process

- Environmental Management & Construction Plan (EM&CP)
 - Verifies compliance with Certificate
 - Contains precise construction details to ensure environmental compatibility
 - Ensures safety
- Monitoring
- Enforcement

Other Related Matters

- Protection of security-related information
- Federal backstop siting for electric facilities within designated “National Interest Electric Corridors”
- Expiration of PSL Article X – Siting of Major Electric Generating Facilities