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Commissioners

Transmission Siting Process – New York

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Siting of Major Facilities

- Background on New York State Siting Law (Article VII)
 - Enacted by the New York State Legislature to establish a single forum for reviewing the need for, and environmental impact of, certain major electric and gas transmission facilities
 - Requires that an applicant must apply for a Certificate of Environmental Compatibility and Public Need before constructing any such facility
 - New transmission lines are proposed because of the public's demand for reliable, economic utility services and because energy sources are usually located at a distance from the populations they serve



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Siting of Major Facilities (cont'd)

- Article VII requires a full environmental, public health and safety impact review of the siting, design, construction and operation of major natural gas and electric transmission facilities
- A determination of the need for any project is a major element in the review conducted under Article VII law
- For natural gas, Article VII applies to pipelines extending at least 1,000 feet and operated at 125 psig or more, except where the pipeline is:
 - Located wholly underground in a city or within the right-of-way of a highway or street; or
 - Replacing an existing transmission facility and less than one mile long
- For electric, it applies to lines with a capacity of 100 kV or more extending for at least 10 miles, or 125 kV and over extending one mile or more, except:
 - Underground transmission lines in a city with a population of 125,000 or more; or
 - Lines connected to a hydroelectric facility, which must be approved by the Federal Energy Regulatory Commission



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Elements of a Transmission Siting Application

- An Article VII application must contain the following information:
 - The location of the line and right-of-way, with detailed maps, drawings, and explanations showing the right-of-way
 - A description of the transmission facility being proposed
 - A summary of studies made of the environmental impact of the facility, including impacts on plant life, wildlife, and natural resources
 - A statement explaining the need for the facility, including specific benefits with respect to reliability of the interconnected network and the local and regional economy
 - A description of any reasonable alternate route(s) and why the proposed route is best
 - Such information as the applicant may consider relevant or the Commission may require, such as statements of support from community members



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Transmission Siting Case Procedure

- Public Involvement Process
- Prehearing Conference – Case schedule is set and issues to be explored in the hearings are defined
- Evidentiary Hearings – evidence is presented and witnesses are cross-examined
 - Applicant presents expert testimony
 - Department staff and other parties present testimony
 - All parties present rebuttal testimony
- Initial and Reply Briefs to the Administrative Law Judge (ALJ)
- Recommended Decision by the ALJ - Based on the information in the record and the arguments in the briefs, the ALJ prepares an analysis of the issues and completes an RD proposing the disposition of the case
- Commission Decision
- Environmental Management and Construction Plan (EM&CP)



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Public Involvement Process

- An awareness campaign using fliers, broadcast media, and the like is used to first alert the public to the proposal
- Public Information Meetings – held before an application is filed and on an ongoing basis
 - There may be focus groups and tours used to collect input and provide feedback
 - The applicant may open a field office or establish a toll-free telephone line
 - Newsletters or public access television may be used to keep the public informed and provide information updates
- Public Comments – At any time an individual can comment by sending a written statement or calling the PSC's Opinion Line
- Public Statement Hearings – Formal hearings held in the project's vicinity to receive statements of position from local residents
 - The statements are entered into the official record upon which the decisions in the case are based



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Commission Decision

- In considering the application, the Commission uses the following criteria for evaluation:
 - The need for the facility
 - The nature of the probable environmental impact
 - The extent to which the facility minimizes adverse environmental impact
 - Whether the facility location will pose undue hazard to persons or property
 - That the location conforms with applicable state and local laws
 - That the construction and operation of the facility is in the public interest
- Following certification, the Commission requires the applicant to submit additional documents, such as the EM&CP, which must be approved before construction can begin



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The EM&CP

- The EM&CP details precise location of the facilities and special precautions that will be taken to ensure environmental compatibility
- Department staff is responsible for checking the applicant's practices in the field, and at the direction of the Commission has stop-work and directive authority
- The EM&CP must contain the following:
 - The dates on or about which construction will begin
 - A statement describing and locating the line using text and a topographic map, including its length, depth, maximum allowable operating pressure, whether it crosses any underground facilities, and where it connects to other pipelines
 - An indication of which techniques the applicant will use to minimize or avoid adverse environmental impacts on sensitive resources, including:
 - Residential, commercial, industrial, institutional, recreational, and agricultural land uses
 - Wetlands, springs, old growth forest, productive timber stands, and endangered species
 - Visual resources including scenic areas and overlooks
 - Cultural resources including archaeological sites