

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

----- X
:
In the Matter of :
:
CANISTEO WIND ENERGY LLC : Case 19-T-_____
:
Application of Canisteo Wind Energy LLC for a :
Certificate of Environmental Compatibility and :
Public Need Pursuant to Article VII of the Public :
Service Law. :
:
----- X

**CANISTEO WIND ENERGY MOTION FOR WAIVERS OF CERTAIN
REQUIREMENTS OF PART 86 OF THE
COMMISSION’S REGULATIONS**

Canisteo Wind Energy LLC (Canisteo Wind, CWE or the Applicant) proposes to construct, operate, and maintain a facility to transmit power from the proposed 290.7-megawatt (MW) Canisteo Wind Farm to the regional power grid (Transmission Facility) and has filed this application with the New York State Public Service Commission for a Certificate of Environmental Compatibility and Public Need for that purpose (Application). The Canisteo Wind Farm is a proposed 122-turbine wind energy facility in the Towns of Cameron, Canisteo, Greenwood, Jasper, Troupsburg, and West Union in Steuben County, New York. An application for a Certificate of Environmental Compatibility and Public Need authorizing the Canisteo Wind Farm is pending before the Board on Electric Generation and the Environment in Siting Board Case 16-F-0205. The Transmission Facility consists of a proposed 34.5/115 kilovolt (kV) collection substation in the Town of Jasper, Steuben County, a 115-kV electric transmission line, and a proposed 115 kV point of interconnection (POI) at NYSEG’s Bennett Substation along State Route 36 in the Town of Hornellsville, Steuben County, New York. The single circuit electric

transmission cable will run approximately 15 miles from the proposed collection substation to the POI Switchyard.

By this motion, CWE requests that the Commission waive and modify certain requirements for the contents of the Application prescribed in 16 NYCRR Part 86, described below.

A. Section 86.3(a)(1).

The Commission's rules require that applications include New York State Department of Transportation maps showing, *inter alia*, "the proposed right of way (with control points indicated), covering an area of at least five miles on either side of the proposed facility location" and "any known archaeological, geologic, historical or scenic area, park, or untouched wilderness on or within three miles of the right-of-way" (16 NYCRR § 86.3[a][1][i] and [iii]). In Exhibit 2 of its Application, CWE proposes to use the most recent topographic maps prepared by the National Geospatial Program of the U.S. Geological Survey (USGS Maps) to provide the depictions required by this rule. CWE requests that the Commission waive the requirements of Section 86.3(a)(1)(i) and (iii) and accept the use of the USGS Maps.

B. Section 86.3(a)(2).

The Commission's rules require that applications include New York State Department of Transportation maps showing the relationship of the proposed facility to the applicant's overall system with respect to: (i) any existing facility related to the proposed facility; (ii) any structure to be built on or adjacent to the right of way; (iii) each point of interconnection; and (iv) nearby, crossing or connecting rights of way or facilities of other utilities (16 NYCRR § 86.3[a][2]). For Exhibit 2, CWE proposes the use of USGS Maps to depict the relationship of the proposed facilities to interconnected electrical systems. USGS Maps are sufficient to show the relationship of the Project facilities to interconnected electrical systems and are consistent with the requirement set

forth in the Commission's regulations at 16 NYCRR § 85-2.9(d) and (e). CWE requests that the Commission waive the requirement of Section 86.3(a)(2) and accept the use of the USGS Maps.

C. Section 86.4(b).

The Commission's rules require that applications include New York State Department of Transportation maps showing the location of any alternative route considered (16 NYCRR § 86.4[b]). CWE proposes to use USGS Maps to display the alternative routes considered in Exhibit 3. The USGS Maps will provide the requested information, are consistent with the maps used in Exhibit 2 to depict the preferred route and are consistent with the Commission's requirements set forth in 16 NYCRR §§ 85-2.9(d) and 85-2.9(e). CWE requests that the Commission waive the requirement of Section 86.4(b) and allow the use of recent edition USGS Maps to depict the locations of alternative routes reviewed.

Dated: January 11, 2019

Respectfully submitted,



John W. Dax, Esq.
The Dax Law Firm, P.C.
Attorneys for Canisteo Wind Energy LLC
54 State Street, Suite 805
Albany, New York 12207
Telephone: (518) 432-1002
Facsimile: (518) 432-1028
Email: jdax@daxlawfirm.com