

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

APPLICATION OF NEXTERA ENERGY TRANSMISSION
NEW YORK, INC., FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE EMPIRE
STATE LINE PROJECT

Case No. 18-T-_____

**APPLICATION OF NEXTERA ENERGY TRANSMISSION
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STATE LINE PROJECT**

PETITION

Pursuant to New York Public Service Law Section 122 and the implementing regulations of the New York State Public Service Commission (“Commission”) (16 NYCRR Parts 85, 86, and 88), NextEra Energy Transmission New York, Inc. (“NEETNY” or the “Applicant”) files this application (“Application”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) to construct, operate and maintain the Empire State Line Project (“ESL Project”). The ESL Project includes an approximately 20-mile 345-kilovolt (kV) transmission line and associated switchyards, in the town of Royalton in Niagara County, New York, and the towns of Alden, Newstead, Lancaster, and Elma in Erie County, New York, respectively. The expected in-service date for the ESL Project is June 1, 2022. As set forth in the Application, the ESL Project will provide clear, significant and long-lasting economic, environmental, and reliability benefits to New York State.

This Application details the:

- (a) Project Location;
- (b) Description of the Project;
- (c) Summary of Environmental Studies and Environmental Impact;
- (d) Need for the Project;
- (e) Description of Reasonable Alternative Routes and Technology; and
- (f) Other Relevant Information.

I. Applicant

The Applicant's name and address are:

NextEra Energy Transmission New York, Inc.
700 Universe Boulevard
Juno Beach, FL 33408

Any pleading, motion, notice, order, or other document required to be served upon the petitioner or filed by any party to this proceeding should be served upon the following individuals:

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II. Location and Description of Project

Exhibit 2 of the Application provides a description of the ESL Project and its location. Specifically, the ESL Project includes a new 345 kV switchyard (“Dysinger Switchyard”) in Niagara County, which will become the new 345 kV hub in Western New York where seven 345 kV lines connect. It also includes a second new switchyard (East Stolle Switchyard) in Erie County to be connected to the existing New York State Electric and Gas (“NYSEG”) Stolle Road Substation. The approximately 20-mile 345 kV transmission line (“Proposed Line”) will connect the Dysinger and East Stolle Switchyards. In turn, the Dysinger Switchyard will be connected to the New York Power Authority (“NYPA”) 345 kV Niagara lines and NYSEG 345 kV Somerset lines via two sets of parallel transmission lines (“Dysinger Tie-Ins”), totaling approximately 0.5 mile. Likewise, the East Stolle Switchyard will be connected to the NYSEG Stolle Road Substation and NYSEG 345 kV Stolle Road to Homer City transmission line via two sets of transmission lines (“East Stolle Tie-Ins”), totaling approximately 0.4 mile. Transmission line structures will consist primarily of steel monopoles.

The Proposed Line will primarily be built within the NYSEG Utility Corridor. In general, the NYSEG Utility Corridor is 500 feet wide with some areas widening to approximately 800 feet. The Applicant proposes to certify a 105-foot-wide strip of land within the NYSEG Utility Corridor as the ROW for the ESL Project.

III. Summary of Environmental Studies and Environmental Impacts

The Applicant will design, construct, and operate the Project in a manner that avoids or minimizes impacts to environmental resources within the project area. Extensive environmental surveys, environmental impact assessments, literature reviews, and correspondence with relevant

state and federal agencies were conducted by technical experts. Additionally, land use policy plans were reviewed to determine whether the Project “minimizes conflict with any present or future planned land use.”

Exhibit 4 of the Application summarizes the results of the environmental surveys, environmental impact assessments, literature reviews, and correspondence with agencies conducted for the Project under the following categories:

- Land Use;
- Visual and Aesthetic Resources;
- Cultural and Historical Resources;
- Topography, Geology, Soils, and Groundwater;
- Terrestrial Vegetation and Wildlife;
- Wetlands and Waterbodies;
- Important Habitats and Rare, Threatened, and Endangered Species;
- Noise; and
- Electric and Magnetic Fields or electromagnetic fields

Exhibit 4 describes existing conditions, methodologies used in the environmental investigation, the anticipated environmental effects of the transmission facilities, and, where appropriate, recommended mitigation measures to avoid or minimize any adverse impacts.

IV. Need for the ESL Project

NEETNY’s ESL Project is a landmark project for the State of New York as it is the first project selected through New York’s Public Policy Transmission Planning Process (“PPTPP”) under Federal Energy Regulatory Commission (“FERC”) Order No. 1000.

The PPTPP commenced in response to the Commission's "Order Addressing Public Policy Requirements for Transmission Planning Purposes" in Case 14-E-0454 in July 2015 ("July 2015 Order"). In the July 2015 Order, the Commission stated that congestion in Western New York was adversely impacting the performance of the bulk power transmission system, by limiting the output of the state's largest renewable resource, the 2,700 MW Niagara hydroelectric power plant. The Commission further determined that relieving congestion in Western New York would also allow additional imports of renewable energy from Ontario. The July 2015 Order was the first step in the process for what became known as the Western New York Public Policy Transmission Need ("PPTN").

On May 31, 2016, the New York Independent System Operation ("NYISO") issued the Western New York Viability and Sufficiency Assessment and filed it with the Commission for its consideration and action. The NYISO identified ten viable and sufficient projects to address the Western New York PPTN.

On October 13, 2016, the Commission issued an order confirming the Western New York PPTN and determining that the NYISO should evaluate and select a transmission solution. As a result, the NYISO then issued a Request for Proposal ("RFP") from qualified transmission developers, both incumbent and non-incumbent, for the solutions to the Western New York PPTN.

On October 17, 2017, the NYISO issued the Western New York PPTPP Report which determined that NEETNY's ESL Project is the most efficient and cost-effective solution to address the Western New York PPTN after evaluating alternative proposals from various developers.

Following approval of the selection of the ESL Project by the NYISO Board, NEETNY entered into a Development Agreement with the NYISO. The timing of this Article VII application comports with the executed Development Agreement between NEETNY and the NYISO.

The ESL Project is NEETNY's innovative solution to address the stated Western New York PPTN. The ESL Project will enable the New York State to fully capture the renewable output of the Niagara hydroelectric facility and allow for up to 1,000 MW of renewable imports from Ontario. Furthermore, the ESL Project provides significant economic benefits to the state and helps New York achieve its stated clean energy goals of "50 by 30."

Exhibit 3 of the Application provides a description of the purpose and need for the ESL Project and how each alternative viably meets the need. Further evidence supporting the need for the ESL Project is set forth in the Application and accompanying testimony.

V. Description of Reasonable Alternatives

Because the selection of the ESL Project route previously was identified in NYISO's planning studies, and is consistent with both the Commission's and NYISO's directives to utilize an existing right of way ("ROW") to the extent practicable, NEETNY did not consider alternative routes for the Proposed Line outside of the NYSEG Utility Corridor. Moreover, given that the NYISO fully examined alternative solutions as part of the Public Policy Process, NEETNY did not consider alternative solutions to fulfill the public policy need. NEETNY did, however, consider alternative methods to implement the ESL Project. Such methods included alternative switchyard sites; alternative routes within the NYSEG Utility Corridor; design alternatives for the Proposed Line; and alternative transmission line technologies.

These assessments determined: the preferred switchyard sites; the preferred location within the NYSEG Utility Corridor of the 20-mile 345 kV transmission line (“Proposed Line”); the preferred design alternative for the Proposed Line; and the preferred transmission line technology.

Exhibit 3 provides an evaluation of each alternative considered, including a description of the comparative merits and detriments of each location or route and an explanation of why the preferred siting is best suited for the ESL Project. Exhibit 3 also addresses alternative technologies and explains why the Project best meets the public need.

VI. Other Relevant Information

Exhibit 1 provides the names, addresses, and phone numbers of the Applicant; the principal officer name and address for the Applicant; and the names and addresses of those persons upon whom documents and correspondence are to be served.

Exhibit 5 provides design drawings for the ESL Project.

Exhibit 6 provides the anticipated economic effects of the ESL Project.

Exhibit 7 provides information on relevant local ordinances and requests that the New York State Public Service Commission grant waivers of specified provisions of those local ordinances that the Applicant believes would be unduly restrictive if applied to the Project.

Exhibit 8 identifies other pending filings concerning the subject matter of this Application.

Exhibit 9 provides the cost of the proposed facilities.

In addition, Exhibit E-1 provides a description of the transmission line; Exhibit E-2 details the other proposed facilities that are part of the ESL Project; Exhibit E-3 describes the underground construction that is proposed as part of the ESL Project; Exhibit E-4 sets forth the engineering justification for the ESL Project; Exhibit E-5 describes the anticipated effect of the ESL Project on communications; and Exhibit E-6 describes the anticipated effect of the ESL Project on transportation.

VII. Requested Relief

WHEREFORE, The Applicant respectfully requests that the Commission issue an order pursuant to Article VII of the PSL granting the following:

- 1) A Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of the ESL Project described herein; and
- 2) Such other and further authorizations, consents, permissions, approvals, waivers and permits, as necessary, for the construction, operation, and maintenance of the ESL Project described herein, including but not limited to:
 - a. A Certificate pursuant to Section 401 of the Clean Water Act, 33 U.S.C. Section 1341 (a)(1) and 6 NYCRR section 608.9;
 - b. The waivers requested in the Motion for Waivers included as part of the Application; and
 - c. The waivers of local ordinances described within Exhibit 7.

Dated: August 10, 2018

Respectfully Submitted,

NextEra Energy Transmission New York, Inc.

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