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November 23, 2015

## VIA ELECTRONIC FILING

Hon. Kathleen H. Burgess  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3  
Albany, NY 12223

Re: Case No. 14-F-0485: Application of Lighthouse Wind, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 201 Megawatt Wind Electric Generating Facility in the Towns of Somerset and Yates, New York

Dear Secretary Burgess:

Lighthouse Wind, LLC ("Lighthouse Wind"), is proposing to construct a wind electric generating facility in the Towns of Somerset and Yates, Niagara and Orleans Counties, New York (the "Project"). To construct the facility, Lighthouse Wind is seeking a certificate of environmental compatibility and public need ("Certificate") from the New York State Board on Electric Generation Siting and the Environment ("Siting Board") pursuant to Article 10 of the Public Service Law ("PSL") and the Siting Board's rules (16 NYCRR Part 1000).

Pursuant to PSL §163 and §1000.5 of the Siting Board's rules (16 NYCRR §1000.5), Lighthouse Wind hereby files its Preliminary Scoping Statement ("PSS"). Please find enclosed ten paper copies of the PSS with a check provided under separate cover for pre-application intervenor funding as required by PSL §163(4). Please note, initially, notice was provided to the *Buffalo News* and *Batavia News* and some of the stakeholders that the PSS would be filed on November 19, 2015. However, due to a technical error at the *Lockport Union-Sun and Journal*, the PSS notice was not published as originally requested. In order to correct their error, the *Lockport Union-Sun* agreed to publish the Notice of the PSS on November 18, 2015.

Additionally, certain recipients of notice were unreachable on the original day of notice due to delivery methods. As such, out of abundance of caution and to ensure that the notice was sufficiently published pursuant to the minimum timeframes for notice, the Applicant delayed filing of the PSS until today, November 23, 2015. The Applicant notified stakeholders that the PSS would not be filed until November 23, 2015 by posting this information on its website and Facebook page. In any event, due to the additional notice, all stakeholders have been notified well in advance of the PSS filing which has also pushed back the deadline to file comments on the PSS.

The PSS follows the statutory requirements of Article 10 (PSL §163(1)) and the Siting Board's rules (16 NYCRR §1000.5(l)). The PSS contains, inter alia, a description of the proposed Project and the studies or program of studies designed to evaluate potentially significant adverse environmental and health impacts, the results of which Lighthouse Wind intends to include in its Application for an Article 10 certificate.

Also enclosed is proof of service on each of the parties identified in Article 10 and the Siting Board's rules. (16 NYCRR §1000.5(f)) Pursuant to Article 10 (PSL §163(2)) and Section 1000.5 of the Siting Board's rules copies of the PSS have been served on the parties identified in 1000.5(c) (See, Attachment 1).

Pursuant to Section 1000.5(d), notice of the PSS with a summary was published in the following newspapers on the date provided in the proofs of publication, to be provided to the Secretary as soon as they are received.

The Buffalo News  
Lockport Union Sun & Journal  
Batavia Daily News

Pursuant to Section 1000.5(e), three days' advance notice of the filing of the PSS was served on the parties identified in Attachment 2.

In addition to the requirements in 1000.5, Lighthouse Wind also provided notice to the host municipalities of the proposed date of the filing of the PSS (see, Attachment 3).

Pursuant to 1000.5(g), any person, agency or municipality may submit comments on the PSS by serving the applicant at the following address:

Dan Fitzgerald  
310 4<sup>th</sup> Street NE, Suite 200  
Charlottesville, Virginia, 22902

and filing a copy with the Secretary.

Lighthouse Wind notes that the purpose of the PSS is to set forth the scope of studies and data collection necessary to be included in studies in support of the Application. Thus, the content of the PSS identifies the proposed study methodology and lists of information to be obtained during the pre-Application phase of this project.

Under the regulations, 1000.5(g), comments on the PSS are due 21-days from the date of filing. As identified by the Siting Board in its Order promulgating the regulations, the time frames set forth in Article 10 are necessary to provide for an efficient and timely review in the process. Further, significant delay of the PSS comment deadline may jeopardize the timelines set forth by the Company for performing the contemplated studies, many of which must be undertaken during specific seasons or under ecologically sensitive timeframes. Article 10's intent is to provide an efficient and streamlined process for approving major electric generating facilities, while ensuring that the public and interested parties are afforded opportunities for comment and participation. The time periods selected in the final regulations was the result of an extensive stakeholder involvement process which gathered voluminous input to aid in balancing the various and competing interests on these issues. Ultimately, the Siting Board's deliberate decision to retain this 21 day period that was initially proposed was the result of this balancing.

Moreover, the Applicant has conducted a robust public involvement and outreach process consistent with the Public Involvement Program Plan previously reviewed by Department of Public Service Staff. Throughout this process, the Applicant has highlighted the 21-day comment period for the PSS and has provided stakeholders with the projected PSS filing date.

Nevertheless, in lieu of the Thanksgiving holiday next week, the Applicant is willing to concede to an extension of the 21-day comment deadline. The Applicant proposes that the Secretary extend the deadline to file comments on the PSS to December 23, 2015. This timeframe will provide stakeholders 30 days to review the PSS and provide comments and is the longest extension possible to achieve the goals of the Article 10 regulations and timeframes set forth by the Siting Board. To the extent that the Secretary is agreeable to this extension of time to submit comments on the PSS, the Applicant requests that the Secretary provide it an equal amount of time to respond to comments submitted on the PSS.

Lighthouse Wind looks forward to working with the interested parties and stakeholders during the pre-application phase of this process.

Please do not hesitate to call me with any questions.

Respectfully submitted,

James A. Muscato II, Esq.

Attachments List

Attachment 1: Service for 1000.5(c)

Attachment 2: Service for 1000.5(e)

Attachment 3: Notice

cc: Service list

Paper Copies	Electronic Submission	Recipient	Name	Title	Address	City	State	Zip
10	1	NY State Public Service Commission	Hon. Kathleen Burgess	Secretary to the Commission	Empire State Plaza; Agency Building 3	Albany	NY	12223
1	1	NY State Department of Environmental Conservation	Rudyard Edick	Environmental Permits	625 Broadway	Albany	NY	12233
1	1	NY State Department of Environmental Conservation Region 8	Paul D'Amato	Regional Director	6274 Avon-Lima Road	Avon	NY	14414
1	1	NY State Department of Environmental Conservation Region 9	Abby Snyder	Regional Director	270 Michigan Avenue	Buffalo	NY	14203
2		NY State Department of Health	Howard Zucker	Acting Commissioner	Corning Tower, Empire State Plaza	Albany	NY	12237
2		NY State Energy Research and Development Authority	John B. Rhodes	President and Chief Executive	17 Columbia Circle	Albany	NY	12203
2		Empire State Development	Howard Zemsky	President and Chief Executive	625 Broadway	Albany	NY	12207
1		Town of Somerset	Daniel Engert	Supervisor	8700 Haight Road	Barker	NY	14012
1		Town of Yates	John Belson	Supervisor	8 South Main Street	Lyndonville	NY	14098
1		Orleans County	Charles H. Nesbitt, Jr.	Chief Administrative Officer	3 South Main Street	Albion	NY	14411
1		Niagara County	Philo J. Brooks	County Manager	Co. Office Bldg., 2nd Floor, 59 Park Ave.,	Lockport	NY	14094
1		NY State Department of Agriculture and Markets	Richard Ball	Commissioner	10B Airline Drive	Albany	NY	12235
1		NY State Department of State	Cesar Perales	Secretary of State	One Commerce Plaza, 99 Washington Avenue	Albany	NY	12231
1		NY State Office of the Attorney General	Eric Schneiderman	NYS Attorney General	99 Washington Ave. #1750	Albany	NY	12210
1		NY State Department of Transportation	Joan McDonald	Commissioner	50 Wolf Road	Albany	Ny	12232
1		NY State Office of Parks Recreation and Historic Preservation	Rose Harvey	Commissioner	625 Broadway	Albany	NY	12207
1	1	New York State Public Service Commission	Erin O'Dell-Keller	Manager, Outreach and Education	Empire State Plaza; Agency Building 3	Albany	NY	12223
		<b>Document Repositories</b>						
1		Town of Somerset	Tracy Carmer	Town Clerk	8700 Haight Road	Barker	NY	14012
1		Town of Yates	Brenda Donald	Town Clerk	8 South Main Street	Lyndonville	NY	14098
1		Barker Library	Lisa Thompson	Library Director	8706 Main Street	Barker	NY	14012
1		Yates Community Library	Emily Cebula	Director	15 North Main Street, P.O. Box 485	Lyndonville	NY	14098

Lighthouse Wind Project  
Towns of Somerset and Yates  
Niagara and Orleans County, New York

Recipient First	Recipient Last	Title	Organization	Street Address	City	State	Zip Code
Brad	Bentley	Councilmen	Town of Yates	8 South Main Street	Lyndonville	NY	14098
Donald	Lamay	Chairman	Town of Yates Planning Board	8 South Main Street	Lyndonville	NY	14098
Gary	Daum	Chairman	Town of Yates Zoning Board of Appeals	8 South Main Street	Lyndonville	NY	14098
Jim	Whipple	Councilmen	Town of Yates	8 South Main Street	Lyndonville	NY	14098
John	Belson	Supervisor	Town of Yates	8 South Main Street	Lyndonville	NY	14098
John	Riggi	President	Save Ontario Shores, Inc.	P.O. Box 57	Lyndonville	NY	14098
Roger	Wolfe	Highways Superintendent	Town of Yates	8 South Main Street	Lyndonville	NY	14098
Wes	Bradley	Councilmen	Town of Yates	8 South Main Street	Lyndonville	NY	14098
Charles	Nesbitt	Chief Administrative Officer	Orleans County	3 South Main Street	Albion	NY	14411
Charles Wayne	Malcomb II			6301 Hamm Road	Lockport	NY	14094
Daniel	Engert	Supervisor	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
David	Callard	Chairman	Orleans County Legislature	3 South Main Street, Suite 2	Albion	NY	14411
David James	Haylett Jr.			244 Bewley Building	Lockport	NY	14094
Diana	Carter	Director of Planning	OPRHP Resource and Facility Planning	625 Broadway	Albany	Ny	12207
Gary	Alt	Councilman	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
Gerald	Gray	Superintendent	Orleans County Highway, Buildings and Grounds Department	225 West Academy Street	Albion	NY	14411
Heather	Behnke	Staff Counsel	NYS Department of Public Service	Three Empire State Plaza	Albany	NY	12223
Jane	Corwin	Assemblywoman	NYS Assembly - 144th District	8180 Main Street	Clarence	NY	14221
Jeffrey	Glatz	County Manager	Niagara County	59 Park Avenue	Lockport	NY	14094
Jeffrey	Dewart	Councilman	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
Jim	Whipple	CEO	County of Orleans Industrial Development Agency	121 N Main Street	Albion	NY	14411
John	Syracuse	District 14 Legislator	Niagara County Legislature	6091 Condren Road	Newfane	NY	14108
Jon	Hotaling	Chairman	Somerset Town Planning Board	8700 Haight Road -- PO Box 368	Barker	NY	14012
Lawrence	Weintraub	Assistant Counsel	NYS Department of Environmental Conservation	625 Broadway	Albany	NY	12233
Lynne	Johnson	District 2 Legislator	Orleans County	12118 E. Yates Center Road	Lyndonville	NY	14098
Mark	Davis			665 Main Street, Suite 300	Buffalo	NY	14203
Mary Katherine	Kremer			530 Landing Road N	Rochester	NY	14625
Michael	Saviola	Associate Environmental Analyst	NYS Department of Agriculture and Markets	1530 Jefferson Road	Rochester	NY	14623
Michael	Norris			244 Bewley Building	Lockport	NY	14094
Michael	Tracy	Deputy Commissioner	Niagara County Highways, Bridges & Structures Division	225 South Niagara Street	Lockport	NY	14094
Michael	Flint	Highways Superintendent	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
Randall	Wayner	Councilman	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
Richard	Sherman			625 Broadway	Albany	NY	12233
Rob	Ortt	Senator	NYS Senate - 62nd District	Legislative Office Building - Room 708	Albany	NY	12247
Robin	Jansen	Counselwoman	Town of Somerset	8700 Haight Road -- PO Box 368	Barker	NY	14012
Roger	Barth	Director/EVP	Save Ontario Shores, Inc.	1200 New Hampshire Avenue, NW, Suite 800	Washington	DC	20036
Ronald	Peterson			P.O. Box 483	Henderson Harbor	NY	13651
Scott	Ecker	Chairman	Town of Somerset Zoning Board of Appeals	8700 Haight Road -- PO Box 368	Barker	NY	14012
Stephen	Hawley	Assemblyman	NYS Assembly - 139th District	121 North Main Street, Suite 100	Albion	NY	14411
Tara	Wells	Senior Attorney	NYS Department of Agriculture and Markets	10B Airline Drive	Albany	NY	12235
Tim	Sullivan		US Fish and Wildlife Service	3817 Luker Road	Cortland	NY	13045
William	Ross	Chairman	Niagara County Legislature	175 Hawley Street	Lockport	NY	14094

# Lighthouse Wind Project

## Niagara and Orleans Counties, New York

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### **NOTICE OF SUBMISSION OF PRELIMINARY SCOPING STATEMENT**

Lighthouse Wind, LLC (the Applicant), a subsidiary of Apex Clean Energy Holdings, LLC (Apex), is proposing to submit an Application to construct the Lighthouse Wind Project, a wind powered major electric generating facility, under Article 10 of the Public Service Law (PSL). This notice announces that on November 19, 2015, the Applicant will file a Preliminary Scoping Statement (PSS), pursuant to 16 NYCRR 1000.5, which is designed to gather input from the public and interested agencies on the scope and methodology of studies to be conducted in support of the Application which will be filed at a later date. The filing of the PSS will start a 21-day public comment period.

The proposed Project is an up to 201 megawatt (MW) wind powered electric generating facility, primarily located on private land in the Town of Somerset, Niagara County and the Town of Yates, Orleans County, New York. The Project would interconnect to the NYSEG 345kV Kintigh Substation in Somerset. The Project will consist of temporary and permanent facilities including wind turbines, access roads, buried electrical collection lines, a substation/point of interconnection with the NYS power grid, wind measurement towers, temporary construction staging and storage areas, and an operations and maintenance facility. The design and layout of the Project is currently being determined and will be based on factors such as the results of studies to be conducted pursuant to the PSS, wind and other data, and land control. While it is not able to be presented in the PSS, the design and layout of the Project will be presented in the Certificate Application.

The purpose of the proposed Project and the goals of the Project Sponsor are to create a wind-powered electric generating facility that will provide a significant source of renewable energy to the New York State power grid. The need for the Project is established in both State and Federal policy directives for wind powered electric generating facilities. The Project will also assist in addressing the effects of climate change. These State policy goals are set forth in New York's historic Renewable Portfolio Standard goals, and forward-looking Reforming Energy Vision and 2015 State Energy Plans. The Project would also provide significant benefit to the local community through lease revenues to participating landowners, temporary and permanent employment, increased tax revenues, and payments to other local businesses. Additionally, economic benefits are expected to be provided to the Towns of Yates and Somerset, the local school districts, and Niagara and Orleans Counties through an anticipated payment in lieu of taxes (PILOT).

The PSS precedes the formal public scoping process and therefore, among other things, will describe and identify: the environmental setting in the Project area, potential environmental and health impacts from construction and operation of the Project, proposed benefits of the Project, proposed studies (including preconstruction studies and post-construction monitoring for potential impacts to avian and bat species), proposed measures to minimize environmental impacts, reasonable alternatives, other required permits/authorizations, and other relevant information to be assessed. The PSS will also provide a preliminary scope of an environmental impact analysis containing a discussion of potentially significant adverse environmental and health impacts to be assessed relating to the construction and operation of the Project, including potential impacts to, land use in the Project area; public health and safety; terrestrial ecology, including avian and bat species, and wetlands; water resources and aquatic ecology; communications, transportation and utilities; cultural, historical and recreational resources; visual, including potential for shadow flicker; sound; electric magnetic fields; and impacts on the statewide electrical system.

Within 21 days after filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on the Applicant and filing a copy with the Secretary of the Department of Public Service. Comments must be received by December 10, 2015. The Applicant will prepare a summary of the material comments and its reply thereto within 21 days after the closing of the comment period. The scoping process is overseen and mediated by a Hearing Examiner designed by the DPS and will commence after required notices have been sent and intervenor funding has been disbursed. Notice will be provided when the Hearing Examiner schedules the scoping meeting.

No less than 90 days after the filing of the PSS, the Applicant will submit an Article 10 Application. Building on the Scoping process and any stipulations agreed to by the parties, the Application will include the studies developed as part of the Scoping process in support of the Project. The Application will include a description of the Project, an evaluation of environmental and health impacts, a summary of public involvement activities, an evaluation of reasonable and available alternative locations, a statement of why any local substantive standards should not be applied, an electric interconnection study including general design study and SRIS, security and emergency plans, statement demonstrating compliance with the most recent State Energy Plan, and other information. The Application will also contain the information set forth in 16 NYCRR 1001, Exhibits 1-41 unless otherwise waived by the Siting Board.

Once an Application is filed and determined by the Siting Board to be complete, the Siting Board will schedule a public hearing on the Application. The Siting Board will also issue a notice of availability of application intervenor funds that are available to be used by parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiner to identify intervenors, award intervenor funds, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the application and project impact assessments will be scheduled by the Hearing Examiner as needed. After hearings, the stakeholders may brief their positions and the Hearing Examiner will issue a recommended decision upon which the Siting Board will base its decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board must be completed within 12 months of when the Application is determined to be complete.

Upon filing of the PSS, Lighthouse Wind will provide funding in the amount of \$70,350.00 to be disbursed by the Siting Board to municipalities and other local parties to help pay expenses, including attorneys and consultants, associated with participating in the Article 10 process during the pre-application review phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. Additional intervenor funds will be available for the Application/Hearing Phases. Following the filing of a PSS, the Hearing Examiner or the Secretary shall issue a notice of availability of pre-application intervenor funds providing a schedule and related information describing how interested members of the public may apply for pre-application funds. Requests for pre-application funds must be submitted to the Hearing Examiner within thirty (30) days after the issuance of the notice of the availability of pre-application intervenor funds. A pre-application meeting to consider funding requests will be convened within no less than 45 but no more than 60 days after the filing of the PSS.

### **Contact Information**

To obtain information regarding the Project, please contact:

Dan Fitzgerald  
Senior Development Manager  
Court Square Building  
310 4<sup>th</sup> Street NE, Suite 200  
Charlottesville, VA 22902  
[dan.fitzgerald@apexcleanenergy.com](mailto:dan.fitzgerald@apexcleanenergy.com)  
716-562-4262

Contact information for the DPS public information coordinator:

James Denn  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY  
518-474-7080

Information is also available at the public document repositories and on the web. The DPS website is (<http://www.dps.ny.gov/>). To access documents, go to "Commission Documents" on the left-side of the webpage under "Most Popular Pages" and search using the Case Number 14-F-0485 or the direct link:

(<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=46604&MNO=14-F-0485>)

or by going to the Project-specific website maintained by the Applicant:  
(<http://www.lighthousewind.com/>).

### **File a Request for Notices**

Any interested member of the public may file a request with the DPS Secretary to receive copies of all notices concerning the Project, including but not limited to notices regarding any proposed pre-application stipulation. Written requests should be sent to the DPS Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address:

Honorable Kathleen H. Burgess  
Secretary to the Commission  
NYS Public Service Commission  
Agency Building 3  
Albany, New York 12223-1350